





ANTIGUA.

HOUSE OF ASSEMBLY.

7TH SEPTEMBER 1865.

RESOLVED.—That, Mr. Speaker, do convey to His Honor the Chief Justice, Sir WILLIAM SNAGG, the thanks of this House for the able manner in which the Laws of the Island have been compiled under his supervision, affording proof of that untiring energy and legal ability which have ever characterized His Honor in the exalted position he holds among us.

Extracted from the Journals.

O. HUMPHRYS

Clerk of the Assembly

CONCURRED IN

C. M. ELDRIDGE,
Acting Clerk of Council.

Council Chamber

September 7th 1865.



NO. 80.
OCT
20
1866

Governor of British Colonies.
To Hon. A. P. P. Crocker
LAWS OF ANTIGUA:

CONSISTING OF THE

**ACTS OF THE LEEWARD ISLANDS
IN FORCE IN ANTIGUA**

AND THE

ACTS OF ANTIGUA FROM 20 CAR. 2., 1668, TO 28 VICT., 1864,

WITH

TABLE OF ACTS INDEX OF SUBJECT MATTER,

AND

ALPHABETICAL INDEX.

By Authority.



U.K.

LONDON:
PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1865.

1. The first part of the paper discusses the importance of the study.

2. The second part of the paper discusses the methodology used in the study.

3. The third part of the paper discusses the results of the study.

4. The fourth part of the paper discusses the conclusions of the study.

5. The fifth part of the paper discusses the implications of the study.

6. The sixth part of the paper discusses the limitations of the study.

7. The seventh part of the paper discusses the future research.

8. The eighth part of the paper discusses the references.

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P R E F A C E.

THIS edition of the Laws of Antigua has been compiled under the authority of the Acts No. 142 and No. 148. The Commissioners appointed for that purpose were thereby authorized to prepare and arrange for publication a new edition of the Laws of the Island, omitting all Acts and parts of Acts which had expired, been repealed, or had their effect; to substitute the sterling value of money for former current money; to print the amendment of an Act as part of the original Act, such amendment being printed within brackets, or otherwise distinguished, and the date of the amendment being noted in the margin, and to renumber the printed Acts.

The authority confided to the Commissioners has been carefully exercised.

The Legislature of the Leeward Islands, which met at intervals between the 8th of November 1690 and its last sitting in April 1798, passed 36 Acts, of which five Acts only are in force in Antigua. The original numbers of those five Acts have been retained in this volume.

The Laws passed by the Legislature of Antigua from its first meeting in 1668 to the end of the year 1864, including a double number, amounted to 1,263 Acts; those Laws by repeal, amendment, and consolidation have been reduced to 230, the number printed in this volume. The provisions of another Act passed in 1865, dated 23rd January in that year, to amend "The Liquor Licence Act, 1864," have been incorporated in that Act, numbered 215 in this volume.

The Acts printed in this volume passed in and since the year 1854 have been carefully compared, when practicable, with the original Acts in the Office of the Colonial Secretary, and in some few instances, when the original Act could not be found, the text has been taken from the authorized printed copy in use.

It was not considered expedient or advisable in all instances to alter current money into sterling money, and in this edition all sums of money mentioned in Acts prior to Act No. 96, dated 13th January 1847, unless expressed in such Acts to be sterling money, are to be read as late current money convertible into sterling money at the rate of 100*l.* sterling for 225*l.*

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late current money. Attention is frequently directed to the circumstance by reference in the margin to Act No. 96, or to the sum of money being placed in italics.

Where the Orders in Council confirming or leaving Acts to their operation could be found in the Colony, the date of the Order is added to the title of the Act. Through the assistance of the Colonial Department, the date of some Orders in Council, not so added, have been inserted in the Table of Acts prefixed.

It may add to its value to state that the work, in its compilation and in passing through the press, received the supervision of Sir W. Snagg, the Chief Justice of the Colony.

W. SNAGG.	}	Commissioners.
JOHN GRAY.		
R. WESTON MARA.		
G. C. DAVIS.		
E. D. BAYNES.		

TABLE
OF
THE LAWS IN FORCE IN ANTIGUA,
CONTAINING THE

ACTS OF THE LEEWARD ISLANDS FROM THE YEAR 1690 TO THE YEAR 1798,
AND THE ACTS OF ANTIGUA FROM THE YEAR 1668 TO THE YEAR 1864.

THE LAWS OF THE LEEWARD ISLANDS.

Old Number.	Date of Order in Council confirming or leaving Act to its operation.	Table of Acts.	Number in this Volume.
ANTIGUA.			
14	- - -	An Act to prevent Disputes in electing Assembly Men to serve in General Assemblies ; dated 31st August 1694. "	14
NEVIS.			
27	- - -	An Act for declaring a certain Act of Parliament made at Westminster in the Seventh and Eighth Years of the Reign of our late Sovereign Lord King William, and continued by one other Act made in the Thirteenth and Fourteenth Years of the said King, intituled " An Act that the Solemn Affirmation and Declaration of the People " called Quakers shall be accepted instead " of an Oath in the usual Form," be in force in these Islands ; dated 4th June 1705.	27
28	- - -	An Act to settle General Councils and General Assemblies for the Caribbee Islands in America, and to secure to each particular Island their own peculiar Laws and legal Customs ; dated 7th June 1705.	28
31	- - -	An Act for preventing tedious and chargeable Lawsuits, and for declaring the Rights of particular Tenants ; dated 20th June 1705.	31

Old Number.	Date of Order in Council confirming or leaving Act to its operation.	Table of Acts.	Number in this Volume.
32	- - -	An Act for the supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster; dated 21st June 1705.	32

THE LAWS OF THE ISLAND OF ANTIGUA.

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
5	- - -	An Act for establishing a Register's Office and the several Fees that belong thereunto; dated 13th April 1668.	1
21	- - -	An Act for the confirming all Marriages had and solemnized by any Justice of the Peace or other Magistrate within this Island; dated 14th August 1672.	2
27	- - -	An Act touching the principal Surveyor or Surveyors of this Island, their Fees and Duty. No date.	3
33	- - -	An Act for the settling and appointing of several Towns within this Island for the better Encouragement of Trade; dated 16th September 1675.	4
39	- - -	An Act for the establishing and confirming of Inhabitants of this Island in their Title to their Lands; dated 9th January 1676.	5
50	- - -	An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein; dated 15th July 1679.	6
83	- - -	An Act for quieting the Inhabitants of this Island in their present Possessions, and preventing litigious Lawsuits; dated 21st July 1692.	7
94	25th Feb. 1696	An Act appointing where the Laws of this Island shall lodge, and obliging the Secretary and Marshal to give Security for the true and faithful Performance of their Offices; dated 10th October 1696.	8

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
106	22nd Oct. 1700	An Act for the better Regulation and Settlement of the Register's Office ; dated 3rd November 1698.	9
118	- - -	An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers, now to be disbanded, to continue therein, by enabling them to become Settlers amongst us ; dated 24th December 1700.	10
127	8th May 1703	An Act for the further encouraging the Settlement of this Island ; dated 28th June 1702.	11
128	8th May 1703	An Act for ascertaining what the Executors or Administrators shall have and enjoy of the Crops growing on the Ground of those that are Tenants for Life, Tenants in Dower, or Tenants at Will ; dated 28th June 1702.	12
129	8th May 1703	An Act for making, cleaning, and repairing Common Ponds, and making and mending Bridges on the High Roads of this Island ; dated 28th June 1702.	13
163	- - -	An Act to quiet present Possessors of Lands, to limit Actions, and avoid Suits in Law ; dated 28th February 1718.	14
172	- - -	An Act for the Preservation of the Body Ponds, and making them Public Ponds ; dated 20th February 1721.	15
175	- - -	An Act against deceitful, excessive, and disorderly Gaming ; dated 2nd December 1723.	16
182	- - -	An Act to invest certain Lands in His Majesty, His Heirs and Successors, for the Use of His Majesty's Ships of War ; dated 25th September 1725.	17
187	- - -	An Act for appropriating certain Lands adjoining to James Fort for the use of the Gunners and Matrosses belonging to the said Fort, and for other public Uses ; dated 8th December 1730.	18
189	- - -	An Act for building a Platform and Cisterns or Reservoirs of Water at English Harbour in this Island for the Use of His Majesty's Ships of War ; dated 8th February 1733.	19
191	- - -	An Act to reduce and settle the Rate of Interest within this Island ; dated 1st June 1738.	20

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
197	- - -	An Act to invest a certain Tract of Land at English Harbour, belonging to Thomas Bodkin, of the Kingdom of Ireland, in His Majesty, His Heirs and Successors, for certain public Uses, and for appraising and valuing the same, and paying the Owner thereof; dated 23rd January 1743.	21
199	- - -	An Act to explain and amend an Act, intituled "An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers now to be disbanded to continue therein, by enabling them to become Settlers amongst us," dated the Twenty-fourth Day of December One thousand seven hundred, and also to explain and amend one other Act, intituled "An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein," dated the Fifteenth Day of July One thousand six hundred seventy and nine; dated 10th June 1747.	22
200	- - -	An Act for completing, executing, confirming, and establishing certain Contracts made by a Committee of the Council and Assembly and the Treasurer of this Island Antigua for erecting a Public Court House upon the Place commonly called the Market Place in the Town of Saint John, in Antigua, and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contracts, and for repaying certain Monies lent upon the public Faith for and towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expences of the said Building, and other the aforesaid Purposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John's; dated 9th June 1748.	23
213	- - -	An Act to enable Infants who are seised or possessed of Estates in Fee, in Trust, or by way of Mortgage, to make Conveyances of such Estates; dated 8th May 1758.	24

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
270	- - -	An Act for the supplying the several Defects in the Laws of this Island concerning Conveyances and Assurances of Lands, Tenements, and other Freeholds and Inheritances lying and being in Antigua, and the Islands thereto adjacent and belonging; and for making the Probate of the Execution of Deeds in Parts beyond Seas relating to such Lands, Tenements, and other Freeholds and Inheritances, effectual, without an Acknowledgment thereof before the Register of this Island, or his Deputy; dated 28th July 1764.	25
275	- - -	An Act supplementary to an Act, intituled "An Act supplementary to an Act, intituled 'An Act for the better Regulation " and Settlement of the Register's Office " of the Island of Antigua,' dated the Third " Day of November One thousand six hundred and eighty-nine; and for altering " and amending the said Act;" and also for the erecting and building a public Register's Office; dated 8th February 1765.	26
328	- - -	An Act for investing a certain Proportion or Parcel of Land, situate to the Eastward of the Common Gaol in the Town of St. John, in the Island of Antigua, belonging to the Heirs of Samuel Lyons, deceased, or to some other Person or Persons claiming a Right thereto in His Majesty, His Heirs and Successors, for certain public Uses; dated 24th June 1771.	27
425	- - -	An Act to alter and amend an Act, intituled "An Act for the better regulating of " Buildings, and to prevent Mischiefs that " may happen from Fire within the Town " of Saint John," dated the First Day of June in the Year of our Lord One thousand seven hundred and seventy-one; dated 2nd September 1784.	28
438	- - -	An Act for the Prevention of Fraud and Perjury; dated 22d, published 23d September 1786.	29
460	- - -	An Act for compelling the Attendance of certain Peace Officers at the Courts of Common Pleas of this Island; dated 2d March 1789.	30
463	- - -	An Act for the more easy Recovery of Rent; dated 23d October 1789.	31

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
472	21st Oct. 1789.	An Act for the more equal Distribution of Estates sold by virtue of Executions; dated 4th November 1786, published 4th December 1790.	32
475	- - -	An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session; and for the better regulating and settling due Methods for the Administration of Justice; dated 21st January 1791	33
489	- - -	An Act to revive and make perpetual an Act, intituled "An Act for the more easy Recovery of Rent;" dated 2nd November 1793.	34
509	- - -	An Act supplementary to an Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session; and for the better regulating and settling due Methods for the Administration of Justice;" dated 22d April 1796.	35
524	- - -	An Act for laying a Tax on all Sugar Plantations in this Island not having one or more Cisterns thereon; and on all Houses in either of the Towns of this Island, and applying the Money arising therefrom; dated 27th January 1798.	36
537	- - -	An Act to extend the Provisions of an Act made in General Council and Assembly of the Leeward Caribbee Islands, and passed in the Reign of Queen Anne, intituled "An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster, by declaring the same Powers and Authorities in all of the Justices of Her Majesty's Courts of King's Bench and of the Barons of the Exchequer in England or Ireland for receiving the Acknowledgment of any Deed or Deeds executed before them as are by the said recited Act vested in the Justices of the said Courts of Common Pleas in the said Two Kingdoms;" dated 4th September 1799.	37

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
539	- - -	An Act to ascertain the Number of Acres of Land in this Island, and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom, and for making a public Record thereof, and for laying a small Tax thereon, and applying the same; dated at St. Christophers 19th December, published at Antigua, 28th December 1799.	38
550	- - -	An Act to explain and amend an Act, intituled "An Act for laying a Tax on all " Sugar Plantations in this Island, not " having one or more Cisterns thereon, " and on all Houses in either of the Towns " of this Island, and applying the Money " arising therefrom;" dated 24th January 1801.	39
555	- - -	An Act to repeal certain Clauses in an Act passed the Ninth Day of June One thousand seven hundred and forty-eight, intituled "An Act for completing, executing, confirming, and establishing certain Contracts of a Committee of the Council and " Assembly and the Treasurer of this Island " of Antigua for erecting a Public Court " House, and appropriating the same Court " House when built to certain public " Uses, and for indemnifying the said Committee and Treasurer upon account of " entering into the same Contract, and for " repaying certain Monies lent upon the " public Faith towards carrying on the said " Court House, and for borrowing Monies to " complete the same, and for raising a Fund " for defraying the Expenses of the said " Building and other the aforesaid Purposes, " and for appointing and ascertaining a " Place to be the lawful Market Place for " the said Town of Saint John;" dated 21st April 1801.	40
563	- - -	An Act to make perpetual an Act, intituled "An Act for the more equal Distribution " of Estates sold by virtue of Executions;" dated 22nd May 1802.	41
601	- - -	An Act to enable John Jacob Walter and his Heirs to hold certain Lands, Tenements, and Hereditaments in the said Island of Antigua; dated 8th July 1807.	42

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
621	- - -	An Act for the easier obtaining Partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common; dated at Saint Christopher 7th July 1810.	43
630	- - -	An Act to revive and make perpetual an Act of this Island, intituled "An Act to ascertain the Number of Acres of Land in this Island and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom, and for making a public Record thereof, and for laying a small Tax thereon, and applying the same, dated the Nineteenth Day of December in the Year of our Lord One thousand seven hundred and ninety-nine, and of His Majesty's Reign the Fortieth;" dated at Tortola 13th May, published at Antigua 24th May 1811.	44
632	- - -	An Act to alter and amend an Act, intituled "An Act to repeal certain Clauses in an Act passed the Ninth day of June One thousand seven hundred and forty-eight, intituled 'An Act for completing, executing, confirming, and establishing certain Contracts of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua, for erecting a Public Court House and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contract, and for repaying certain Monies lent upon the public Faith towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expenses of the said Building, and other the aforesaid Purposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John;" dated at Tortola, 13th May, published at Antigua 24th May 1811.	45
634	- - -	An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries; dated 29th February 1812.	46

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
675	- - -	An Act to enable the present or future Vestry of the Parish of Saint John to sell and convey a certain Proportion or Lot of Land situate at the Point in the Town of Saint John, and hitherto occupied as an Hospital; dated 15th August 1817.	47
676	- - -	An Act for granting and securing to the Church of the United Brethren certain Lands situated in the Division of Non-such, and also for granting to said Church certain pecuniary Assistance in aid of the Funds of said Church; dated 15th August 1817.	48
706	- - -	An Act for the Preservation of the Harbour of Parham, to prevent Abuses in the inland Navigation thereof, and for reviving the Appointment of an Harbour-master for the said Port, and to explain and regulate the Duty of the said Harbour-master; dated 2nd February 1821.	49
715	- - -	An Act to amend an Act, intituled "An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries;" dated 2nd February 1822.	50
724	- - -	An Act to compel the Creditor to support his Debtor whilst in Gaol; dated 11th April 1823.	51
725	- - -	An Act to regulate the Salaries of the Captain and Master Gunner of Fort James, the Master Gunner and Store Keeper of Fort George, Monk's Hill, and the Gunner of Fort Byam, and for the better ordering the Conduct of Fort Officers in general; dated 7th June 1823.	52
729	- - -	An Act for preventing Aliens of dangerous Principles from residing in this Island, and for establishing other Regulations for the Security of the Inhabitants; dated 10th July 1823.	53
732	- - -	An Act to alter and amend an Act, intituled "An Act to prevent the throwing or firing of Squibs, Serpents, Rockets, and other Fireworks;" dated 31st October 1823.	54
737	- - -	An Act for more effectually preventing the Profanation of the Lord's Day; dated 21st May 1824.	55

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
746	- - -	An Act for repealing all Laws now in force relating to Ecclesiastical Regimen or to any Matter or Thing thereby regulated, and for extending to this Island Antigua all Laws, Ordinances, and Canons Ecclesiastical which are now used and in force in that Part of the United Kingdom of Great Britain and Ireland called England, so far as the same relate to the due ordering and Ecclesiastical Regimen and Jurisdiction over the Clergy therein, and all Rules of Proceeding for carrying the same into effect; dated 10th June 1825.	56
776	- - -	An Act for the more speedy and effectual securing and apprehending Persons under Charges of High Treason, Murder, and Arson, by enabling the Governor or Commander-in-Chief for the Time being to issue Proclamations and offer Rewards for that Purpose; dated 6th November 1829.	57
783	- - -	An Act for more effectually enforcing a due Observance of the Lord's Day; dated 18th February 1831.	58
785	Confirmed 4th Aug. 1830.	An Act to enable the Registrar of the Island of Antigua, upon Production of a certain Deed, dated the Sixteenth Day of September One thousand eight hundred and sixteen, to record the same, pursuant to the Laws of the said Island for registering Deeds conveying Estates in the said Island, notwithstanding the Lapse of Time limited by the said Laws for that Purpose, and to ratify and confirm the Title of John Blackburn, late of London, Esquire, deceased, to a certain Estate called the Villa, which was conveyed by the said Deed of the Sixteenth Day of September One thousand eight hundred and sixteen, to all Intents and Purposes as if the said Deed had been recorded in due Time; dated 4th December 1829.	59
803	- - -	An Act for extending the Provisions of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," to this Colony, as far as the same may be applicable therein; dated 18th January 1834.	60

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
812	- - -	An Act for enabling Labourers, Artificers, and Servants to recover by summary Process their Wages from their Employers ; dated 21st June 1834.	61
813	- - -	An Act for the Punishment of idle and disorderly Persons, Rogues, and Vagabonds, incorrigible Rogues, or other Vagrants in this Island ; dated 5th July 1834.	62
832	- - -	An Act for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen, and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen, and other Labourers ; dated 6th August 1835.	63
833	- - -	An Act to regulate the Transportation of Offenders from this Island ; dated 6th August 1835.	64
834	- - -	An Act for the better adjusting and more easy Recovery of the Wages of Artificers, Handicraftsmen, and other Labourers working under Hirings in the several Towns in this Colony, and for the better Regulation of such Artificers, Handicraftsmen, and other Labourers ; dated 24th August 1835.	65
836	- - -	An Act for better regulating Menial Servants ; dated 10th September 1835.	66
838	- - -	An Act for vesting in Trustees a certain Spot of public Land in the Parish of Saint John, to secure its Use to the charitable Establishment entitled " The Daily Meal Society ;" dated 5th January 1836.	67
849	- - -	An Act for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements ; dated 3rd January 1837.	68
852	- - -	An Act for the Relief of Insolvent Debtors ; dated 22nd April 1837.	69
853	- - -	An Act to prevent vexatious Replevins ; dated 22nd April 1837.	70

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
855	- - -	An Act to prevent a Failure of Justice by reason of Variances between Records and Writings produced in support thereof; dated 5th May 1837.	71
881	5th March 1840	An Act for the Preservation of the Harbour of Saint John, to prevent Abuses in the Inland Trade and Navigation thereof, and for appointing an Harbour-master for the said Port, and to explain and regulate the Duty of the said Harbour-master, and to fix a Remuneration for the Performance of the same; dated 18th November 1839.	72
882	5th March 1840	An Act for amending the Law of Evidence in certain Cases; dated 18th December 1839.	73
885	- - -	An Act further to extend the Provisions of an Act, intituled "An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries;" dated 29th May 1840.	74
890	10th Nov. 1840	An Act to assist in providing a sufficient Stipend for the Minister of All Saints Chapel; and to authorize the Lord Bishop of the Diocese to appoint a certain Ecclesiastical District around it; dated 23rd July 1840.	75
893	13th Sept. 1845	An Act for improving the Administration of Criminal Justice in this Island; dated 26th November 1840.	76
900	6th Oct. 1841	An Act for exempting Vessels of the Royal Yacht Squadron arriving in the Ports of this Island from the Payment of all Tonnage and other Duties, Port Charges, and Fees of Office; dated 31st July 1841.	77
903	15th July 1843	An Act to authorize the binding of Apprentices, and to regulate Apprenticeships within this Island; dated 13th October 1841.	78
910	1st Feb. 1843 -	An Act for facilitating the Proof of Deeds, Letters of Attorney, Procurations, and other Powers in Writing made in Places out of this Island, and for the Substitution of Solemn Declarations in Writing for Depositions in proof of the same; dated 11th May 1842.	79

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
917	3rd April 1843 -	An Act to render Copies of the Charter and Supplemental Charter of the Colonial Bank recorded in the Secretary's Office of this Island, or certified Copies thereof, legal Evidence ; dated 26th September 1842.	80
919	15th July 1843	An Act declaratory of an Act, intituled " An Act to authorize the binding of Apprentices, and to regulate Apprenticeships " within this Island ; " dated 14th November 1842.	81
929	10th Nov. 1843	An Act for ascertaining the respective Obligations of Mariners and other Persons employed on board Vessels commonly called Droghers, and the Owners thereof ; dated 18th May 1843.	82
936	17th April 1844	An Act to alter and amend an Act, intituled " An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice ; " dated 16th January 1844.	83
940	19th June 1844	An Act to authorize and require the Treasurer of this Island to deposit from Time to Time at Interest, in one or both of the chartered Banks, such Part or Parts of the public Money as shall not be immediately required for the Uses of the Colony ; dated 26th March 1844.	84
942	13th Sept. 1845	An Act to authorize the Appointment of Commissioners of Pilotage and the licensing of Pilots, to establish certain Rates of Pilotage, and to enact Rules and Regulations for the Government of the said Pilots ; dated 26th March 1844.	85
945	Confirmed 23rd May 1844.	An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned ; passed in October 1843 ; dated 1st July 1844 ; specially confirmed by Order in Council dated 23rd May ; published at Antigua 2nd July 1844.	86

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
946	Confirmed 23rd May 1844.	An Act to amend an Act, intituled " An Act " to authorize the Appointment of certain " Commissioners to be called the Com- " missioners of the Loan from Her Ma- " jesty's Government to the Island of " Antigua, to empower the said Commis- " sioners to borrow from the Commis- " sioners of Her Majesty's Treasury Ex- " chequer Bills for a Sum not exceeding " One hundred thousand Pounds Sterling, " to provide for the Repayment of the " same Sum with Interest, and to autho- " rize the Appropriation of the same in " Manner therein mentioned ;" passed in March 1844 ; dated 1st July 1844 ; spe- cially confirmed by Order in Council dated 23rd May ; published at Antigua 2nd July 1844.	87
947	8th Nov. 1844 -	An Act for the Punishment of Persons guilty of cruel and improper Treatment of Animals, or unlawfully using Beasts at Pasture or otherwise ; dated 12th July 1844.	88
951	Confirmed 19th June 1844.	An Act to repeal in part an Act, intituled " An Act for dividing the Island into " Parishes and Maintenance of Ministers " and the Poor, and erecting and repairing " Churches, to declare the Legality of " Marriages performed by other Ministers " than those of the Established Church, " and for the due Regulation of the same ; passed in March 1844 ; dated 29th July 1844 ; specially confirmed by Order in Council dated 19th June ; published at Antigua 30th July 1844.	89
962	Confirmed 3rd February 1845	An Act for the better Regulation of Elections of Members of the Assembly ; dated 31st March 1845.	90
967	18th March 1846.	An Act to render a certified Copy of the Re- cord made in the Secretary's Office of this Island of the West India Bank Charter legal Evidence ; dated 20th December 1845.	91
970	Confirmed 20th November 1845.	An Act to make Provision for the better Administration of Justice in this Island ; passed in March 1845 ; confirmed by Order in Council dated 20th November 1845 ; published at Antigua 13th February 1846.	92

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
971	6th April 1846	An Act to supply the Omission of the Signature of the Governor-in-Chief Sir Charles Fitzroy and of the Seal of Government to an Act of this Island, entitled "An Act to make Provision for the better Administration of Justice in this Island;" dated 10th February 1846.	93
973	27th Aug. 1846	An Act supplementary to an Act, intituled "An Act to authorize the Appointment of Commissioners of Pilotage and the licensing of Pilots, to establish certain Rates of Pilotage, and to enact Rules and Regulations for the Government of the said Pilots;" dated 27th April 1846.	94
975	26th Sept. 1846	An Act to regulate the Costs of Distresses levied for Payment of small Rents; dated 25th June 1846.	95
981	Confirmed 24th April 1847.	An Act to provide for the Assimilation of the Currency of this Island with that of Great Britain, and for the keeping of all Accounts in the said Island in the Currency so established; dated 13th January 1847.	96
986	24th April 1847	An Act to enable the Treasurer to purchase certain Lands the Property of Warwick Pearson Hyndman, Esquire, and to vest the same in Her most Gracious Majesty for the Use of the Colony; dated 12th February 1847.	97
987	- - -	An Act to amend an Act, entitled "An Act to make Provision for the better Administration of Justice in this Island, and to give increased Effect to its Provisions by adapting the Practice of the Court of Common Pleas to the Operation of the said Act;" dated 17th February 1847.	98
1006	11th Aug. 1848	An Act to abolish the Punishment of the Pillory, and to substitute other Punishment for the Crime of Perjury; dated 8th April 1848.	99
1008	25th Aug. 1848	An Act to alter an Act, entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned;" dated 29th April 1848.	100

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1014	11th Aug. 1848	An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies ; dated 1st June 1848.	101
1016	11th Aug. 1848	An Act to repeal certain Duties of Customs imposed by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, entitled "An Act to regulate the "Trade of British Possessions abroad ;" dated 8th February 1848 ; assent proclaimed 14th September 1848.	102
1019	29th June 1849	An Act to authorize the Appointment of a Deputy Harbour-master for the Port of Saint John ; dated 23d April 1849.	103
1020	- - -	An Act to authorize and empower the Vestry of the Parish of Saint Peter to dispose of the Materials of the old Parish Church, the Site thereof, and the Land attached thereto, and to appropriate the Proceeds of the Sale thereof ; dated 4th June 1849.	104
1026	30th Jan. 1850	An Act for facilitating the Apprehension of certain Offenders escaping to this Island from any Place within the Territory or Dominions of the Republic of Venezuela, in order that such Offenders may be delivered up to Justice; dated 24th October 1849.	105
1029	9th March 1850	An Act to authorize the Sale of certain Lands in this Island commonly called Ten-acre Lands; dated 3rd November 1849.	106
1030	19th June 1850	An Act to continue and make perpetual certain Acts ; that is to say, an Act, entitled "An Act for establishing Courts of "Common Pleas, Error, King's Bench and "Grand Session, and for the better regulating and settling due Methods for the "Administration of Justice," and another Act, entitled "An Act supplementary to an "Act, intituled 'An Act for establishing "Courts of Common Pleas, Error, King's "Bench and Grand Session, and for the "better regulating and settling due "Methods for the Administration of Justice," as the said respective Acts have been altered, amended, partially repealed, revived, and continued by subsequent Acts of this Island; dated 29th November 1849.	107
1035	19th June 1850	An Act to prohibit the Use of the Acetate of Lead in the Manufacture of Sugar in this Island ; dated 4th April 1850.	108

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1036	19th June 1850	An Act to amend the Law of Evidence ; dated 4th April 1850.	109
1039	19th June 1850	An Act to authorize the Importation into this Island of Foreign Reprints of Books entitled to Copyright in the United Kingdom ; dated 24th October 1849.	110
1044	25th June 1851	An Act to alter an Act, entitled " An Act " to authorize the Appointment of certain " Commissioners to be called the Com- " missioners of the Loan from Her " Majesty's Government to the Island of " Antigua, to empower the said Commis- " sioners to borrow from the Commis- " sioners of Her Majesty's Treasury Ex- " chequer Bills for a Sum not exceeding " One hundred thousand Pounds Sterling, " to provide for the Repayment of the same " Sum with Interest, and to authorize the " Appropriation of the same in manner " therein mentioned ;" dated 5th April 1851.	111
1050	8th June 1854	An Act to authorize Her Majesty the Queen to establish a Court of Appeal in this Island ; dated 17th July 1852.	112
1051	8th June 1854	An Act to alter an Act, entitled " An Act " to authorize Her Majesty the Queen to " establish a Court of Appeal in this " Island ;" dated 13th August 1852.	113
		Act for Establishment of Court of Appeal for Virgin Islands.	page 278
		Act for Establishment of Court of Appeal for Saint Christopher.	page 280
		Act for Establishment of Court of Appeal for Dominica.	page 283
		Act for Establishment of Court of Appeal for Montserrat.	page 289
		Order in Council creating Court - - -	page 290
		Proclamation of Governor - - -	page 294
		7 & 8 Vict. c. 69. ss. 11, 12 - - -	page 295
		Order in Council, 12th February 1845 -	page 296
		Order in Council, 13th June 1853 - -	page 297
		Rules of Practice to be observed in the Court of Appeal for the Leeward Islands ; dated 3rd December 1855.	page 299
		Further Rules, 17th June 1861 - - -	page 302
		Additional Rules, 31st December 1861 -	page 303

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1057	15th April 1854	An Act to facilitate the Sale of certain Properties levied upon under Warrant from the Commissioners of the Loan from Her Majesty's Government commonly called the Earthquake Loan; dated 14th December 1853.	114
1060	8th June 1854	An Act to establish a Public Library; dated 9th March 1854.	115
		Byelaws of the Antigua Public Library -	page 308
1061	- - -	An Act to make certain Provisions in relation to the Payment of the Balance of the Principal Monies and the Interest thereon borrowed from the Commissioners of the Loan from Her Majesty's Government to this Island, and also to the Payment of the Balance of the Principal Monies and the Interest thereon due by the said Commissioners to the Lords Commissioners of Her Majesty's Treasury; dated 10th March 1854.	116
1064	14th Nov. 1854	An Act for establishing certain Regulations of Police for this Island; dated 23rd June 1854.	117
1066	18th Oct. 1854	An Act for shortening the Language used in Acts of this Island; dated 28th June 1854.	118
1067	11th Dec. 1854	An Act for the Regulation of Quarantine in this Island; dated 7th July 1854.	119
1068	14th Nov. 1854	An Act to amend and consolidate the Laws in force to enable the Magistracy of this Island to appoint Rural Constables, and to regulate the Duties and Fees of the same; dated 17th July 1854.	120
1072	26th June 1855	An Act to revive an Act, intituled "An Act for ascertaining the respective Obligations of Mariners and other Persons employed on board Vessels commonly called Droghers, and the Owners thereof;" dated 14th March 1855.	121
1073	24th Sept. 1855	An Act to make Provision for the Relief of the Poor in this Island; dated 8th June 1855.	122
		Rules and Regulations; dated 27th October 1859.	page 326
1075	30th Jan. 1856	An Act to vest certain Lands and Buildings the Property of the Crown in Trustees for the Use of the Colony; dated 12th July 1855.	123

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1078	28th July 1856	An Act to establish a Fire Brigade in the City of Saint John ; dated 9th May 1856. Rules and Regulations for the Fire Brigade	124 page 333
1079	22nd Oct. 1856	An Act for registering Births and Deaths ; dated 21st June 1856.	125
1083	22nd Oct. 1856	An Act to establish an Infirmary and Hospital, to be called "The Holberton Hospital ;" dated 3rd July 1856. Holberton Hospital Regulations - -	126 page 342
1088	28th Nov. 1856	An Act to provide for taking a Census of the Inhabitants of this Island ; dated 6th September 1856.	127
1089	28th Nov. 1856	An Act to authorize the Standing Committee for the Repair of Government House to give a new Direction to the Road leading from Newgate Street in front of Government House to the Eastward ; dated 6th September 1856.	128
1090	28th Nov. 1856	An Act to amend an Act, intituled "An Act to establish an Infirmary and Hospital, to be called the Holberton Hospital ;" dated 6th September 1856.	129
1092	25th June 1857	An Act to provide a Place in which the Courts may be holden and Public Business transacted when and so often as the State of the Court House shall make it requisite ; dated 25th February 1857.	130
1094	25th June 1857	An Act to naturalize Lewis Delmail and Victor Guffroy ; dated 11th April 1857.	131
1095	27th Aug. 1857	An Act to amend the Law of Evidence ; dated 9th June 1857.	132
1097	24th Sept. 1857	An Act to reorganize the Treasury Department ; dated 10th August 1857. Rules and Regulations for the Government of the Treasury Department.	133 page 354
1098	4th Nov. 1857	An Act to authorize the Appointment of certain Commissioners, to be called Commissioners of Education, to aid and assist in the Establishment and Maintenance of Schools, and for the Promotion of Education generally ; dated 10th August 1857.	134
1099	3rd Feb. 1858	An Act for further improving the Administration of Criminal Justice ; dated 8th September 1857.	135

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
110	31st July 1858	An Act to indemnify all Persons for anything by them done in suppressing or endeavouring to suppress the Riots that occurred in the City of Saint John between the 25th Day of March last past and the 2nd Day of this present Month of April, and in arresting and confining Persons concerned or supposed to be concerned therein ; dated 13th April 1858.	136
1107	31st July 1858	An Act for the Regulation of Weights and Measures ; dated 13th April 1858.	137
1109	- - -	An Act to extend the Provisions of an Act, intituled " An Act for the Punishment of " idle and disorderly Persons, Rogues and " Vagabonds, incorrigible Rogues, or other " Vagrants in this Island ;" dated 24th April 1858.	138
1113	23rd Sept. 1859	An Act to extend the Operation of the Laws of Antigua to the Island of Barbuda ; dated 25th September 1858. Act of Parliament 22 & 23 Vict. c. 13, under which this Act was ratified, confirmed, and finally enacted by Order in Council dated 23rd September 1859 ; published at Antigua 8th November 1859.	139 page 372
1114	9th June 1860	An Act for enclosing certain Public Land to the North of the Government House ; dated 12th March 1859.	140
1117	9th June 1860	An Act to amend the Law with respect to Tumults and Riots ; dated 26th March 1859.	141
1118	9th June 1860	An Act for compiling and printing a new Edition of the Laws of Antigua ; dated 26th March 1859.	142
1122	22nd Oct. 1859.	An Act for facilitating the Administration of Justice in the Court of Chancery ; dated 11th August 1859.	143
1123	29th Nov. 1859	An Act for the Amendment of the Laws with respect to Wills ; dated 5th September 1859.	144
1124	29th Nov. 1859	An Act to amend an Act, intituled " An Act " for establishing Courts of Common Pleas, " Error, King's Bench and Grand Session, " and for the better regulating and settling " due Methods for the Administration of " Justice ;" dated 14th September 1859. Rules to govern the Practice in Actions of Ejectment.	145 page 386

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1126	29th Nov. 1859	An Act to establish a Registry of Voters for the Election of Members of the Assembly of this Island; dated 17th September 1859.	146
1127	23rd Jan. 1860	An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; dated 5th October 1859.	147
1129	23rd Jan. 1860	An Act to repeal certain Statutes; dated 5th October 1859.	148
1130	23rd Jan. 1860	An Act for the Amendment of the Law of Inheritance; dated 5th October 1859.	149
1131	23rd Jan. 1860	An Act to amend the Law relating to Forgery; dated 12th November 1859.	150
1132	22nd Feb. 1860	An Act to naturalize Antonio Henrique and Antonio Marques Deadradre; dated 18th November 1859.	151
1135	22nd Feb. 1860	An Act for the summary Punishment of riotous and disorderly Conduct; dated 22nd December 1859.	152
1136	26th March 1860	An Act to enable the Court of Common Pleas to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims; dated 5th January 1860.	153
1137	26th March 1860	An Act to prevent unauthorized Persons from carrying Arms, and to regulate the Licence for shooting Game; dated 5th January 1860.	154
1139	9th June 1860	An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy; dated 5th January 1860.	155
1145	Confirmed 10th May 1860.	An Act to authorize the Appointment of an Executive Council and Administrative Committee for the Island of Antigua; dated 25th July 1859.	156
1146	26th Oct. 1860	An Act for the further Amendment of the Law and the better Advancement of Justice; dated 2nd August 1860.	157
1147	26th Oct. 1860	An Act to amend the Practice and Course of Proceeding in the Court of Chancery of Antigua; dated 20th July 1860.	158
		General Orders of the Court - -	page 438
1149	- - -	An Act to vest certain Land and Premises situate in Church Street in the City of Saint John in Her Majesty, Her Heirs and Successors, to and for the Use of the Colony; dated 2nd August 1860.	159

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1150	26th Oct. 1860	An Act to continue an Act, intituled "An Act to authorize the Appointment of certain Commissioners, to be called Commissioners of Education, to aid and assist in the Establishment and Maintenance of Schools, and for the Promotion of Education generally;" dated 2nd August 1860.	160
1156	16th April 1861	An Act to consolidate the Laws in relation to the Division of Parishes, the Maintenance of Ministers, the erecting and repairing Churches, and the Recovery of Parish Taxes; dated 3rd December 1860.	161
1157	26th June 1861	An Act for the Regulation of Porters, Jobbers, and Watermen, and for the licensing and Registration of all Boats plying or engaged in any way at or about this Island; dated 3rd December 1860.	162
1160	30th Nov. 1861	An Act to authorize the Payment of the Salaries of Officers and other Persons employed in the Public Service by monthly in place of quarterly Payments; dated 8th February 1861.	163
1162	26th June 1861	An Act to authorize the Appointment of certain Commissioners with a view to the Establishment of an Extramural Cemetery for the City of Saint John; dated 8th February 1861.	164
1163	- - -	An Act for taking the Census of Antigua; dated 28th March 1861.	165
1167	30th Nov. 1861	An Act to impose a Duty on Dogs, and to regulate the Assessment and Collection of such Duty; dated 25th May 1861.	166
1168	11th Oct. 1861	An Act to provide Pastoral Assistance for the Parish of Saint John; dated 25th May 1861.	167
1173	21st March 1862	An Act to provide for the Recovery of the Record Tax, and to transfer certain Duties to the Administrative Committee; dated 5th August 1861.	168
1174	21st March 1862	An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders; dated 29th August 1861.	169
1175	21st March 1862	An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Persons charged with indictable Offences; dated 29th August 1861.	170

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1176	21st March 1862	An Act to protect Police Magistrates and Justices of the Peace and Constables from vexatious Actions for Acts done by them in execution of their Office ; dated 29th August 1861.	171
1177	21st March 1862	An Act to facilitate the Dispatch of Business before Grand Juries ; dated 29th August 1861.	172
1179	21st March 1862	An Act to alter and amend an Act, entitled " An Act to assist in providing a sufficient Stipend for the Minister of All Saints Chapel, and to authorize the Lord Bishop of the Diocese to appoint a certain Ecclesiastical District around it," dated 13th September 1861.	173
1180	21st March 1862	An Act to provide Pastoral Assistance for Parishes of Saint Mary and Saint Philip ; dated 4th October 1861.	174
1181	19th July 1862	An Act for the Purchase of a Piece of Land called Darrell's Wharf for the Establishment of a Public Market thereon ; dated 4th October 1861.	175
1188	- - -	An Act to consolidate the Militia Laws ; dated 29th November 1861.	176
1189	19th July 1862	An Act to authorize the Treasurer to raise by Loan on the Public Credit the Sum of Two thousand Pounds Sterling for the Establishment of a Public Market ; dated 6th December 1861 ; repealed.	177
1191	19th July 1862	An Act to establish a Public Market in the City of Saint John ; dated 30th January 1862.	178
		Rules of the Public Market - - -	page 567
1193	20th March 1863	An Act to authorize in certain Cases of Summary Jurisdiction the Substitution of a Fine for Imprisonment in the Common Gaol ; dated 23d May 1862.	179
1195	20th March 1863	An Act to dispense in certain Cases with the Concurrence of the Husband in conveying and transferring the Property of the Wife, and for the Protection of the Money or Property of the Wife after Desertion by her Husband ; dated 6th June 1862.	180
1196	20th March 1863	An Act to alter the Days of sitting of certain Courts, and to amend the Act "to make Provision for the better Administration of Justice in this Island ;" dated 6th June 1862.	181

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1199	30th Nov. 1864	An Act to enforce the Practice of Vaccination in this Island ; dated 11th July 1862.	182
1200	- - -	An Act to encourage and promote the Immigration of Agricultural Labourers, and for the Purposes of such Immigration to impose certain Duties upon the Exports of Sugar, Rum, and Molasses, the Produce of this Island ; dated 10th July 1862.	183
1205	11th June 1863	An Act for vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom for the Time being ; dated 23rd October 1862.	184
1206	11th June 1863	An Act to prevent the Spread of Small-Pox ; dated 24th October 1862.	185
1207	7th April 1864	An Act for enforcing Church Discipline ; dated 24th October 1862.	186
1208	3rd Feb. 1864	An Act for granting to Abel Brear the exclusive Property in an Invention for discharging Liquids from Kettles or other Vessels ; dated 10th January 1863.	187
1211	7th Jan. 1864	An Act to levy a Tax on certain Wheeled Vehicles ; dated 5th June 1863.	188
1212	3rd Feb. 1864	An Act to consolidate the Acts to provide Medical Attendance for the Infant Children of the Labouring Population, and for the Poor and Destitute, and to render such Medical Attendance accessible to the Labouring Population at large ; dated 5th June 1863.	189
1213	7th Jan. 1864	An Act to consolidate and amend the Statute Law of Antigua relating to Offences against the Person ; dated 3d July 1863.	190
1215	7th Jan. 1864	An Act to provide for the Collection of Duties on Goods, Wares, and Merchandise imported into this Colony ; dated 18th July 1863.	191
		Regulation for carrying Goods Coastwise -	page 627
1218	7th April 1864	An Act to consolidate and amend the Statute Law of Antigua relating to Larceny and other similar Offences ; dated 12th September 1863.	192
1219	3rd Feb. 1864	An Act to consolidate and amend the Statute Law of Antigua relating to Malicious Injuries to Property ; dated 12th September 1863.	193

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1220	7th April 1864	An Act to consolidate and amend the Statute Law of Antigua relating to Accessories to, and Abettors of, indictable Offences; dated 12th September 1863.	194
1221	7th April 1864	An Act to repeal certain Enactments which have been consolidated in several Acts relating to indictable Offences, and other Matters; dated 30th September 1863.	195
1223	7th April 1864	An Act to make Provision with respect to the Roads of this Island; dated 30th September 1863.	196
1224	7th April 1864	An Act for the securing to Thomas Thibou the exclusive Benefit for a limited Time of certain Inventions for converting certain Grasses, Megass, and other Vegetable Fibrous Substances into "Pulp" and "Half Stuff" for the Manufacture of Paper; dated 30th September 1863.	197
1225	7th April 1864	An Act to establish a Board of Health for this Island; dated 10th October 1863.	198
		Rules and Regulations under Health Act -	page 679
1226	7th April 1864]	An Act for the Government of the Common Gaol; dated 24th October 1863.	199
		1 & 2 Vict. c. 67 - - - -	page 684
		Regulations for the Government of Prisons in Antigua made by the Governor in Council.	page 686
1227	26th April 1864	An Act to prevent the absconding of indentured Servants; dated 24th October 1863.	200
1228	- - -	An Act to establish a Police Force in this Island; dated 9th, published 10th November 1863.	201
		Rules and Regulations for the Government of the Force.	page 713
1229	10th June 1864	An Act to establish certain Rates of Tonnage Duty, and to regulate the Payment of the same; dated 3rd December 1863.	202
1230	- - -	An Act to prevent the Sale or Exportation of stolen Metals; dated 3rd December 1863.	203
1231	7th April 1864	An Act to repress Trespasses of Stock; dated 3rd December 1863.	204
1232	- - -	An Act to make Provision for the keeping up and Management of the Lunatic Asylum; dated 3rd December 1863.	205
		Rules and Regulations for Government of the Asylum.	page 730

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1233	<u>7th April 1864</u>	<u>An Act to make Provision as to the keeping of Accounts of Monies in Hands of Public Officers, Boards, and Institutions ; dated 3rd February 1864.</u>	206
1234	<u>10th June 1864</u>	<u>An Act to grant a Subsidy towards the Expenses of introducing and keeping a Supply of Ice in the Colony ; dated 8th March 1864.</u>	207
1235	<u>10th June 1864</u>	<u>An Act to provide for the Abolition of unnecessary Oaths ; dated 8th March 1864.</u>	208
1238	<u>27th August 1864</u>	<u>An Act to make Provision with regard to certain Treasury Bills ; dated 5th May 1864.</u>	209
1239	<u>27th Aug. 1864</u>	<u>An Act relating to Bills of Exchange and Promissory Notes ; dated 5th May 1864.</u>	210
1240	<u>27th Aug. 1864</u>	<u>An Act to provide for the extending the Time for the Payment of the Amount due by private Persons to the Loan Commissioners ; dated 7th May 1864.</u>	211
1241	<u>27th Aug. 1864</u>	<u>An Act to regulate the Application of Monies raised for the Introduction of Immigrants and to ratify certain Contracts ; dated 7th May 1864.</u>	212
1242	<u>1st Nov. 1864</u>	<u>An Act for carrying into execution in Antigua " The West Indian Incumbered Estates " Acts, 1854, 1858, 1862 ;" dated 27th May 1864.</u> Order in Council dated 1st November 1864 - Table of Fees under the West Indian Incumbered Estates Acts.	213 page 743 page 744
1243	<u>1st Nov. 1864</u>	<u>An Act to abolish Arrest on Mesne Process in Civil Actions, except in certain Cases, and to extend the Remedies of Creditors against the Property of Debtors ; dated 27th May 1864.</u>	214
1244	<u>18th May 1865</u>	<u>An Act to authorize the raising a Loan for the Construction of Waterworks for this Island ; dated 17th June 1864.</u>	215
1245	<u>1st Nov. 1864</u>	<u>An Act to provide for the granting of Licences to sell Liquors ; dated 17th June 1864.</u>	216
1246	<u>1st Nov. 1864</u>	<u>An Act to impose an Excise Duty on Rum ; dated 1st July 1864.</u>	217
1247	<u>1st Nov. 1864</u>	<u>An Act to establish the Duties payable on Goods, Wares, and Merchandise imported into this Colony ; dated 1st July, published 2nd July 1864.</u>	218

Old Number.	Date of Order in Council.	Table of Acts.	Number in this Volume.
1248	1st Nov. 1864	An Act to provide for levying an Excise Duty on Rum ; dated 1st July 1864.	219
1249	1st Nov. 1864	An Act to make Provision for the Performance of the Duties of the Office of the Registrar of Deeds ; dated 8th July 1864.	220
1250	1st Nov. 1864	An Act to make Provision for the Performance of the Duties of the Office of Provost Marshal ; dated 8th July 1864.	221
1251	1st Nov. 1864	An Act to secure certain Pensions, Salaries, and Allowances ; dated 8th July 1864.	222
1252	9th March 1865	An Act to amend the Laws relating to Jurors and Juries ; dated 8th July 1864.	223
1253	1st Nov. 1864	An Act to provide for the Regulation of the Post Office ; dated 8th July 1864.	224
		Rules for the Transaction of Money Order Business between the United Kingdom of Great Britain and Ireland and Antigua.	page 783
1254	18th May 1865	An Act to make Provision for the Construction and Maintenance of Waterworks for the City of Saint John ; dated 29th July 1864.	225
1255	30th Nov. 1864	An Act to provide for the Performance of the Duties of the Office of the Colonial Secretary ; dated 29th July 1864.	226
1258	4th Feb. 1865	An Act to make Provision for carrying on the Business of the Saint John's Savings Bank ; dated 8th September 1864	227
1259	30th Nov. 1864	An Act to establish a Scale of Fees for Duties performed under the Second Part of the Imperial Merchant Shipping Act ; dated 8th September 1864.	228
1260	31st March 1865	An Act for granting to Antoine Louis Possoz the exclusive Property in an Invention for Improvements in the Manufacture of Sugar ; dated 20th December 1864.	229
1262	31st March 1865	An Act to provide for continuing the Loan for the Purposes of the Public Market ; dated 23rd December 1864.	230





THE LAWS

OF

THE LEEWARD ISLANDS.

6 WILL. & MARY.]

ANTIGUA.

No. 14.

AN ACT to prevent Disputes in electing Assembly Men to serve in General Assemblies.
[Dated 31st August 1694.]

To prevent and avoid all disputes that may arise in electing members of all General Assemblies for the future in the respective Islands, whereby the public affairs may be retarded, to the damage of all the Islands:

2. We Your Majesties' loyal and obedient subjects, the Governor-in-Chief, and the General Council and General Assembly of the Caribbees Leeward Islands, pray Your most Sacred Majesties that it may be enacted, and be it and it is hereby enacted by the authority of the same, That the Governor-in-Chief, or Lieutenant or Deputy Governor, President or Presidents, and the major part of the Council and Assembly for the time being of each Island, shall order the Secretary or Deputy Secretary of each respective Island, upon oath in their presence, at such time and place as their Majesties writs shall direct, to take the freeholders' votes of each Island, in manner and form as they shall direct, to their knowledge admitting no vote but what shall be made by a freeholder of the respective Island in person, and after all votes are so taken then and there publicly declare upon whom the elections fall by plurality of votes.

3. And if any disputes happen concerning the election of any person, the Chief Governor, Lieutenant or Deputy Governor, President or Presidents, and the major part of the Council and Assembly, then and there shall be judges of and decide and determine all such disputes, any law, custom, or usage to the contrary notwithstanding.

Governor, &c. to order the Secretary to take the votes of the freeholders, on oath, in their presence,

and admit no vote but a freeholder's, and publicly declare who is elected.

Disputes concerning elections to be determined by the Governor, Council, and Assembly.

NEVIS.

No. 27.

Vide Acts 132, 56, 10¹ AN ACT for declaring a certain Act of Parliament made at Westminster in the
 11, 147, & 3, 223, Seventh and Eighth Years of the Reign of our late Sovereign Lord King
 s. 36. William, and continued by one other Act made in the Thirteenth and Fourteenth Years of the said King, intituled "An Act that the Solemn Affirmation and Declaration of the People called Quakers shall be accepted
 "in stead of an Oath in the usual Form," be of force in these Islands.

[Dated 4th June 1705.]

RECITAL of Act
 7 & 8 W. 3. and its
 continuance by
 13 & 14 W. 3. directing the affirmation
 of Quakers to be
 taken.

WHEREAS a certain Act of Parliament made at Westminster the seventh and eighth years of the reign of our Sovereign Lord King William the Third, of ever blessed memory, intituled "An Act that the Solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form," and continued by one other Act passed at a Parliament held at Westminster in the thirteenth and fourteenth year of the reign of the said King, and now in force in the kingdom, hath been and is found to be a beneficial law, and such as, if the same were extended to these Islands, would be an encouragement to trade, and a means to further the settlement of these Colonies.

2. We therefore pray Her most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Chief Governor of Her Majesty's Leeward Caribbee Islands, and the General Council and General Assembly of the same now met at Nevis, That the said Act intituled "An Act that the Solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form," and every clause, matter, and thing therein contained shall from and after the tenth day of this instant June be in full force and power in these Her Majesty's Leeward Caribbee Islands, any law, usage, and custom to the contrary in any wise notwithstanding.

To be in force in the
 Leeward Islands.

NEVIS.

No. 28.

AN ACT to settle General Councils and General Assemblies for the Caribbee Islands in America, and to secure to each particular Island their own peculiar Laws and legal Customs.

[Dated 7th June 1705.]

Preamble.

WHEREAS there is at this time a General Council and a General Assembly for the Leeward Caribbee Islands in America met together at Nevis concerning the public affairs, to consult and enact such good and wholesome laws and ordinances as may be for the safety and advantage of all Her Majesty's said Islands.

2. And whereas the interest in point of trade and laws of most of the said Islands in some respects do differ the one from the other: Therefore, the better to preserve and defend the whole, and to secure to each particular Island their own laws and legal customs which are not of a general concern:

3. We Your Majesty's most dutiful and loyal subjects, the Commander-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, the General Council, and General Assembly of the same, now met together at Charles Town in the Island of Nevis, do pray Your most Excellent Majesty to enact and ordain, and be it and it is hereby enacted and ordained by the authority aforesaid, That all the laws and legal customs now in force in each and every the Caribbee

Recites a difference
 in the laws of the
 Islands.

Each Island to retain
 its laws as to local
 circumstances.

Leeward Islands, and respecting only the circumstances of the same, be and remain in their full force and virtue.

4. And be it further enacted, That whensoever the Commander-in-Chief that now is, or that shall hereafter be, shall judge it necessary for Her Majesty's service, and the good and welfare of the Caribbee Leeward Islands, to call together the General Council and General Assembly, that then all the freeholders of each respective Island (that are qualified by law) shall meet together at a certain time and place, to be nominated and appointed by writ from the Commander-in-Chief for the time being, in their several respective Islands, to elect and make choice of five able and discreet men, being freeholders of and in each and every the said respective Islands, to be their representatives, and to join with the said Commander-in-Chief and General Council to make, enact, and ordain such general laws and ordinances as may be proper and convenient for all the Caribbee Leeward Islands.

General Assembly constituted, who shall make general laws.

5. And be it further enacted by the authority aforesaid, That no member of the General Council nominated by the Commander-in-Chief, or Representatives of the General Assembly elected in any of the said several respective Islands for the service aforesaid, shall be any way troubled, sued, molested, or arrested for debt or otherwise (murder, felony, treason, or other misdemeanor against the Crown only excepted), by any person or persons whatsoever within the said Leeward Caribbee Islands, whenever the General Council and General Assembly shall and may be held for the future, but shall have free liberty to come on and go off the said Islands where such General Council and General Assembly is and shall be held, for the space of ten days before and ten days after each Session.

Members of Council or Assembly not to be sued for debt within 10 days before or after Session, but amenable for treason, &c.

6. And be it further enacted by the authority aforesaid, That each and every person so nominated as a councillor, and elected as a representative to serve in this or any other General Council and General Assembly, for the future shall be allowed and paid by the Treasurer of each respective Island they serve for, out of the public stock of the same, during the continuance of each and every such session the sum of twenty shillings *per diem*; and where the Council and Representatives go off one Island to another, they shall be transported to and from each respective Island at the public charge of that Island for which they serve, and shall be paid their allowance of twenty shillings *per diem* from the day they go off to the day of their return, provided their return be not delayed by their own private business.

Each Member, &c. to be paid 20s. per diem during the Session,

and allowed charges of going from Island to Island.

7. And be it further enacted by the authority aforesaid, That if the members of any one particular Island, whether Council or appointed by the Commander-in-Chief, or Representatives elected by the freeholders, shall neglect and refuse to appear, their delaying and refusing to appear and join with the rest of the said General Council and General Assembly when convened and met together, shall not exempt that Island from the due obedience and observance of all and every the laws and ordinances that shall be enacted during any such Session of General Council and General Assembly, provided they do not act but when there is present a majority of the whole number, but that all such laws and ordinances shall be good and binding to all and every the said Leeward Caribbee Islands to all intents and purposes whatsoever.

Absence of the representatives of any one Island not to exempt it from obedience to General Acts:

Provided a majority is present.

NEVIS.

No. 31.

AN ACT for preventing tedious and chargeable Lawsuits, and for declaring the Rights of particular Tenants. [Dated 20th June 1705.]

Preamble.

WHEREAS lawsuits and controversies frequently arise between the inhabitants of these Islands, principally occasioned by the different nature and circumstances of our estates from those in England, whereby it sometimes hath happened, through the partiality of some and ignorance of others, that contradictory judgments have been given in cases founded on the same rules and principles of law and reason; for the redressing of which mischiefs, and establishing a constant and certain uniformity in the proceedings of the courts of the several Islands under this Government, and for declaring the rights of particular tenants in these Islands:

2. We Your Majesty's most dutiful and loyal subjects the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands, the General Council and General Assembly of the said Islands, now met at Nevis, do humbly pray Your Majesty that it may be declared, and it is hereby declared by the authority aforesaid, That the common law of England, as far as it stands unaltered by any written laws of these Islands, or some of them, confirmed by Your Majesty or some of Your Royal predecessors in Council, or by some Act or Acts of Parliament of the Kingdom of England extending to these Islands, is in force in each of these Your Majesty's Leeward Caribbee Islands, and is the certain rule whereby the rights and properties of Your Majesty's good subjects inhabiting these Islands are and ought to be determined, and that all customs or pretended customs, or usages contradictory thereunto are illegal, null, and void.

3. And be it and it is hereby declared, That all coppers, stills, and all cattle, horses, asses commonly used and exercised upon and about any plantation or plantations, and all other plantation utensils, are inheritance and affixed to the freehold, and are with the plantation descendible to the heir-at-law, and the widow dowable as well of them and every of them as of the lands and tenements whereof her husband died seised; and that such widow may and shall recover the mesne profits of such plantation, cattle, horses, asses, or other hereditaments whereof she shall be so endowed against the party or parties that have received or detained the same, in damages, by action upon the case in any court of record in that Island wherein the estate whereof dower is so recovered lies, or by suit in equity against the party or parties, their executors or administrators, that have received or denied the same.

4. Provided always, That the said plantation, or the works thereon being, shall not be divided or otherwise parted than by allotment of the third part of the dwelling house, with its appurtenances and necessary conveniences, to the tenant in dower for her habitation or convenient reception upon the said plantation when she shall think fit to repair thereunto, which third part of the dwelling house the provost marshal or his lawful deputy, upon application to him made, shall set out to such tenant in dower, and shall forthwith put her in quiet and peaceable possession of the same; and that none of the coppers, stills, cattle, horses, asses, or other plantation utensils whatsoever to such plantation belonging shall be carried off or employed from the said plantation otherwise than for the immediate service thereof by such tenant in dower, or by the heir, or him or them in reversion or remainder, but that each of them shall join in carrying on the interest for the best advantage of all the parties concerned.

5. And be it hereby declared and enacted, That where any person hath or shall by his last will and testament in writing devise any part of his estate, or of

The common law of England to be in force, except where altered by laws of the Islands.

Pretended customs to the contrary void.

Coppers, &c. used with plantations, made freehold.

Widow dowable out of them.

Dwelling house only to be parted, the plantation and works to be enjoyed by the heir and widow in undivided parts, and the profits apportioned.

Devise to a widow of third part of an estate

the profits thereof, amounting in value to a third part of his estate whereof she was dowable, and omitting to declare such devise to be in bar of her dower, shall devise the rest, residue, or remainder of his estate to any other person or persons, that such devise to his wife shall be taken and construed to be a complete bar of her dower, unless such devisee, being of full age, shall disagree to the said devise, and claim or demand her dower within three years after the death of her husband or after her having arrived at the age of one and twenty years.

to bar the dower, unless the widow accept the dower instead of the devise.

6. Provided always, That this Act nor anything therein contained shall extend or be construed to extend to impeach or make void an Act made for provision of younger children of fathers dying intestate, intituled "An Act for making the Coppers, Mills, and Stills of Intestates Estates Chattels," which Act was made by the President and Council of Nevis, executing the office of Lieutenant-General and Assembly of the Island of Nevis, on the twenty-fifth day of March in the year of our Lord one thousand six hundred and ninety-nine, and stands confirmed by His late Majesty King William the Third in Council; but that the same, and every clause, matter, and thing therein contained, shall be and remain in full force, and that the several Islands under this Government shall be at liberty to enact the same law, anything in this Act to the contrary or seeming to the contrary in anywise notwithstanding.

This Act not to affect an Act of the Island of Nevis concerning intestates.

7. Provided also, That where any person is entitled to dower of any parcel of land unsettled, that a warrant shall go out to the Provost Marshal of the Island wherein such land lies, at the prayer either of the tenant who is so entitled to dower or of the party or parties in reversion or remainder, requiring him within eight days from the day of the date of the said warrant to impanel a jury of twelve good and lawful freeholders of such Island wherein such land lies, who shall upon their oaths set out the third part of the said land to the party so entitled to dower, by her to be held in severalty, by metes and bounds, anything in this Act or any other law or statute contained to the contrary notwithstanding.

In unsettled lands dower may be set out by a jury.

No. 32.

AN ACT for the supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster.

ENLARGED, as far as respects ANTIGUA, by Act of 28 July 1764 (No. 25), and Act of 4th Sept. 1799 (No. 37).

[Dated 21st June 1705.]

WHEREAS fines with proclamations and common recoveries are become the common assurances of Your Majesty's Kingdom of England, at least such a necessary part thereof as without them the inheritance of femes coverts, or their right or title to dower, or any other estate of freehold, nor estates of tenants in tail general or special, or the reversion and reversions, remainder and remainders, thereupon depending, cannot be barred.

Preamble.

2. And whereas such fines cannot be duly levied in these Islands for want of proper offices, or common recoveries well suffered for want of set days for the return of writs, or for the appearance of the parties to such recoveries, the courts of law in these Islands usually holding but one day or two at the most; for remedying which mischief, and to the intent that the want of fines and recoveries in these Islands may be effectually supplied by making other conveyances, attended with particular circumstances herein-after mentioned, equivalent therunto:

Deeds acknowledged by the parties from whom the interest passes before the Justice of the Common Pleas in England, &c. shall bar fines covert and tenants in tail, as fully as any fine and recovery.

By Act of ANTIGUA dated 4th September 1799 (No. 37), this is extended, as far as respects ANTIGUA, to acknowledgment before any Justice of the King's Bench or Baron of the Exchequer in England or Ireland.

By Act of 28th July 1764 (No. 25), s. 2, 3, extended, for ANTIGUA, in a local view, universally, so as the acknowledgment be before any Lord of the Session or Sheriff in SCOTLAND, and, in other places, before the Chief Civil, Military, or Judicial Officer prescribed, and so as the deed be registered in ANTIGUA within two years.

Every wife party to such deed to be of age, and examined apart whether she executes the same freely.

Such examination to be indorsed on the back of the deeds, and subscribed by the Judge,

and enrolled at length, within six months, in the Secretary's office, if in one of the Islands,

3. We Your Majesty's most dutiful and loyal subjects do pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Commander-in-Chief of these Your Majesty's Leeward Caribbee Islands in America, the General Council and General Assembly of the said Islands now met at Nevis, and by the authority of the same, That a deed or deeds in due form of law made and executed by the husband and wife of the plantations, lands, and tenements, and other hereditaments of the wife, or of any plantation, lands, tenements, and hereditaments whereof the husband was solely and in his own right seised at any time during the coverture, or whereof the husband or husband and wife were seised in right of the wife, or the husband jointly with the wife, or by tenant in tail general or special, and by the party or parties, and each of them, from whom the interest passes, acknowledged before some of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of any of Your Majesty's Leeward Caribbee Islands wherein such plantation, lands, tenements, and hereditaments do lie, shall to all intents and purposes be as effectual and valid in the law to pass all the estate, right, title, interest, and claim of the party or parties, and of each of them, to such deed or deeds in or to all or any the plantation or plantations, lands, tenements, or hereditaments, by such deed or deeds granted, conveyed, or made over, or thereby intended to be granted, conveyed, or made over to the person or persons, bargainee or bargainees, grantee or grantees, in the said deed or deeds mentioned, their heirs and assigns for ever, to whom or to whose use any estate in such plantation or plantations, lands, tenements, or hereditaments is by the said deed or deeds limited, bargained, sold, granted, or conveyed, according to the several limitations in the said deed or deeds contained, as if the party or parties to the said deed or deeds, from whom the interest moves, had levied a fine or fines with proclamations, or suffered a common recovery or recoveries of such plantation or plantations, lands, tenements, and other hereditaments in any of Their Majesties' Courts of Record at Westminster, and duly executed deeds leading the uses of such fine or fines, or declaring the uses of such recovery or recoveries to be to such bargainee or bargainees, grantee or grantees, their heirs and assigns for ever, to whom or to whose use such plantation or plantations, lands, tenements, and other hereditaments are by the deed or deeds so to be executed and acknowledged as is above mentioned limited and conveyed, or that the same and every part thereof had been bargained, sold, conveyed, or set over by any the firmest deed or deeds, conveyance or conveyances, assurance or assurances of the law, that could be advised or devised by counsel learned in the law.

4. Provided always, That the wife, who is party to any such deed or deeds, be of full age at the time of the execution thereof, and be privately and apart examined by the judge before whom such deed or deeds is acknowledged, whether she do execute the same freely, voluntarily, and without fear, threats, or compulsion of or by her husband used, which examination of the wife shall be indorsed, together with the acknowledgment of the party or parties from whom the interest by the said deed or deeds pass; and such acknowledgments shall be subscribed by the judge before whom the acknowledgment of such deed or deeds is taken, and by and before whom such wife is privately examined.

5. And be it further enacted by the authority aforesaid, That all and every deed or deeds so executed and acknowledged as aforesaid shall be enrolled at length in the Secretary's or Register's office of that Island wherein the estate so granted or conveyed lies (if the said deed or deeds be executed and acknowledged

in any of these Your Majesty's Leeward Caribbee Islands) within six calendar months after the acknowledgment of such deed or deeds; and in case the said deed or deeds shall be executed and acknowledged within either of Your Majesty's Kingdoms of England or Ireland, that the same shall be enrolled at length in the High Court of Chancery of that kingdom wherein the same was executed and acknowledged within six calendar months after the acknowledgment thereof; and that the acknowledgment of such deed or deeds so subscribed by the judge before whom the same was taken (as before is directed) shall be a sufficient proof of the due execution of the said deed or deeds; and the record, or an exemplification or attested copy of such deed or deeds, shall be admitted and allowed to be given in evidence upon any trial at law or hearing in equity where the original deed or deeds is or are mislaid and cannot be procured, any law, statute, or usage to the contrary in any ways notwithstanding.

By Act above referred to (No. 25), s. 2, 4, every deed conveying hereditaments in Antigua, executed out of Antigua, must, without exception, be recorded at length in the Register's office of ANTIGUA within two years.
The record to be admitted as evidence if the original is mislaid.



THE LAWS OF THE ISLAND OF ANTIGUA.

No. 1.

AN ACT for establishing a Register's Office, and the several Fees that belong thereunto. [Dated 13th April 1668.]

FORASMUCH as the estates of planters will mostly and chiefly consist in lands to be granted to them, and confirmed by patent, or which they may purchase hereafter from such who shall hold lands by force and virtue of such grants and patents, and may legally descend to them hereafter, it is thought to be matter of very great concern, as well for the taking away all occasions of fraud as for the preventing future litigious suits and controversies touching lands, their grants, alienations, or descents to all such as shall come to be planters, freeholders, or tenants of any land upon this Island, that an office of registering or recording of all such matters be appointed and established :

2. Be it therefore enacted, and it is hereby enacted, That a register office shall be established in this Island, which shall be an office distinct and apart from all other offices, in the which shall be entered first all warrants for lands hereafter to be granted, the surveyor's return upon every such warrant recorded, and the original returned under the surveyor's hand, filed, all patents, deeds of sale, leases of land, and mortgages, shall in the said office be made and afterwards recorded therein at large; and also in the said office shall be kept one book for alienation of lands, wherein shall be registered a brief account of what land every person possesses, relating to the other books of every parcel entered at large, and what shall at any time by any person be sold or mortgaged from time to time and at all times to any other person transporting the same from the vendor or seller to the account of the vendee or purchaser.

3. And to the end a good order and method may be observed and kept in the said office touching all and every the said entries, matters and things, to be therein done, some able person of good discretion and honesty shall be commissioned to be register and recorder in the said register's office.

AMENDED by Act of 9th January 1676 (No. 5), s. 5, 6, 7, 8, 9, 10.

FURTHER AMENDED by Act of 3rd November 1698 (No. 9).

And see Acts No. 25, 26, 220.

Register office to be established for entering warrants for land, and recording surveyor's returns and conveyances,

and a book for alienations kept.

Register and recorder to be appointed.
For Register's fees, see No. 220.

The passage in italics repealed by Register Act of 3d November 1698 (No. 9), ss. 8, 18. Deeds made beyond sea of no effect till recorded in the Island.

The defect in this Act of not limiting a time for recording deeds is supplied by Act of 9th January 1676 (No. 5), s. 6, 7, which see.

THIS CLAUSE REPEALED by Act of 3rd November 1698 (No. 9), sect. 8 and 18.

4. And it is further enacted by the authority aforesaid, *That no writing, lease, deed of sale, mortgage, or any other transaction relating to lands made in this Island by any other person than the register himself, or his clerks in the said office, shall be any ways binding or beneficial to any person concerned therein, either to be pleaded in law or otherwise; as also that all and every conveyance, lease, mortgage, or other writings touching land in this Island made beyond sea shall be held ineffectual to all intents and purposes, and shall not be allowed to be pleaded in any of the courts of this Island until all and every such writings shall be recorded in the said register's office in such manner and form as other deeds and writings made in the said office shall be entered and recorded.*

5. *And if it should come to pass that recovery of any lands shall be made in any of the courts of this Island by one person from another, or that any person shall by will bequeath any of his lands, the party so recovering lands, or to whom such lands shall be bequeathed, or any lands by any other ways descended, shall bring certificate thereof out of the secretary's office to the register, who shall enter the same upon account of him to whom it appertains according to the purport of the said certificate, from and after which entry all and every the titles so entered shall be pleadable and allowed to be pleaded in all and every the courts of this Island, and not before, any custom, statute, or usage to the contrary notwithstanding in this Island heretofore made or used.*

No. 2.

AN ACT for the confirming all Marriages had and solemnized by any Justice of the Peace or other Magistrate within this Island.

[Dated 14th August 1672.]

Preamble.

Vide Acts Nos. 89, 161.

Act.

Marriages solemnized by justice of peace, &c. as good as if by minister;

except benefited clergyman be on the Island.

Litigations respecting bastardy and lawfulness of marriage to be settled by jury.

WHEREAS the late necessity of this Island for want of orthodox ministers hath been such that divers marriages have been had and solemnized, by virtue or colour of certain orders of the Governor and Council in some other manner than hath been formerly used and accustomed: Now, for the avoiding and preventing of all doubts and questions touching the same:

2. It is therefore enacted by the Governor, Council, and Assembly, and by the authority of the same, That all marriages had and solemnized in this Island by and before any justice of peace or any one of the Council of this Island for the time being or hereafter shall be had and solemnized according to the direction or true intent of any order of the Governor and Council for the time being, or reputed order as aforesaid, shall be adjudged, esteemed, and taken to be and to have been of the same and no other force and effect, as if such marriage had been had and solemnized by an orthodox minister according to the rites and ceremonies established or used in the Church or Kingdom of England, any law, custom, or usage to the contrary thereof notwithstanding.

3. Provided always, That this Act nor anything therein contained shall not extend to authorize or confirm any marriages had or solemnized by any other than an orthodox minister, after the arrival of any such minister as aforesaid, he being benefited in this Island.

4. If any shall hereafter be sued in any of the Courts of Common Law of this Island, and issue shall be joined upon the points of bastardy or lawfulness of marriages for or concerning the marriages had and solemnized as aforesaid, the same issues shall be tried by a jury of 12 men, according to the course of trial of other issues triable at the common law, and not otherwise, any law, statute, or usage to the contrary hereof in anywise notwithstanding.

No. 3.

AN ACT touching the Principal Surveyor or Surveyors of this Island, their Fees and Duty. [No date.]

IT is enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That no person or persons whatsoever shall survey, measure, or lay out any lands upon this Island, rough or fallen, but only such person or persons as are or shall be admitted into the said office and employ, and therein established and sworn by the Governor of this Island for the time being, nor that any returns or certificates of lands measured or laid out by any other person or persons than the said surveyor or surveyors admitted and sworn as aforesaid shall be filed or recorded within the said office of this Island, nor pleaded in the courts thereof in trials of court or otherwise, but only such as are returned and attested under the hand or hands of the surveyor or surveyors admitted and sworn as aforesaid.

No surveyors to practise unless admitted by the Governor, and sworn.

Returns or certificates by unauthorized surveyors not good.

2. That the said sworn surveyor or surveyors shall have and receive from the person or persons for whom they or any of them shall admeasure and lay out any parcel or parcels of lands, as their just and due salary, fees in manner following, viz., for each parcel of fifty acres or under, the quantity of one hundred pounds of good tobacco or sugar; for every parcel from fifty acres to five hundred, two pounds of good tobacco or sugar for each acre; and for every and each parcel from five hundred acres and upwards, one pound and half of good tobacco or sugar for each acre; and shall be found and allowed by their and every of their employers for and during the time of their service and employ upon the lands, or in the service of the person employing, sufficient and competent meat and drink, and also a competent number of able hands, and sufficient labourers to clear and run out the lines and bounds before them.

Surveyor's fees for 50 acres or under, 100 lbs. of produce, &c.

In addition to fees, to be allowed meat and drink, and able hands to assist.

3. That the surveyor or surveyors shall not only deliver unto every man, under his hand or their hands, a true description of his own lands, both by words and demonstration in writing, but shall deliver the like, in like manner firm and attested, into the register's office of this Island, there to be filed and kept upon record, and shall record the said returns with the perfected descriptions and demonstrations of all lands and plantations, both old and new, that they have laid out or shall lay out, in one book or more, to be kept jointly and severally by them or some or either of them, attested, and all the several particular lands and plantations so by them laid out shall at convenient times draw and compile together according to art in one plain card or map, which, as the lands of this Island shall be all surveyed, laid out, and particularly appropriated, may be also perfected and finished, of which general cards or maps so perfected and finished the said surveyor or surveyors for the time being shall deliver two perfect copies at the least, attested under his or their hands, the one to remain among the records of this Island, and the other to the Governor thereof for the time being.

To deliver one copy of survey to party, and file another in register's office,

and keep a third copy in a book.

All lands laid out to be progressively laid down in general map; two copies of each general map to be drawn, one for Governor and one for Register.

No. 4.

ANTIGUA. At a meeting held at the Old Road the 16th of September 1675, was enacted:

AN ACT for the settling and appointing of several Towns within this Island for the better Encouragement of Trade. [Dated 16th September 1675.]

WHEREAS a former Act hath been made in this Island whereby two certain places were appointed for all persons whatsoever, be they masters, merchants, or seamen, trading to and with this Island, or with any the inhabitants thereof, for the bringing all and every their goods, wares, and merchandises and commodities, of what nature and kind soever, viz., to the towns of Falmouth and St.

Rectified Act since repealed.

notwithstanding. This limitation to extend only to such as are resident in this Island at the time of conveyance, and no other.

7. And that all conveyances, contracts, bargains, and agreements, relating to any lands or tenements in this Island, which shall happen to be passed, conveyed, and confirmed by any act in law in Europe, shall be enrolled, registered, and recorded in the said office within one year after passing the same, or else shall be void and not pleadable as aforesaid: Provided the conveyance in Europe be not lost at sea or otherwise intercepted within the said time, which interception or loss to be made out by sufficient authority, certificates, or evidences.

8. And forasmuch as great neglect and delays have been from time to time made by the deputy register, or the clerks employed in the register's office of this Island, to the great prejudice, let, and hindrance of all such persons as have had occasion to enrol, record, or make conveyance of any lands or tenements pursuant to the Acts and customs of this Island, which may prove injurious if not ruinous to the people inhabiting the same, if not by an early and strict care prevented:

9. Be it therefore enacted and ordained by the authority aforesaid, That if any deputy register, clerk, or any other person whatsoever employed and entrusted to write in the said office, shall refuse, neglect, and delay to file, enrol, and record any principal deeds, or any other act or acts relating to the passing, confirming, transferring, or granting any title to any lands or tenements upon this Island, whereby any person or persons concerned in the same shall or may receive any prejudice by the neglect and delay aforesaid, that upon complaint made thereof, and the said complaint being made out by evidence or material circumstance, before the Governor for the time being and two of the Council, shall for every such offence pay five hundred pounds of good tobacco or sugar, which shall be levied out of the estate both real and personal by a warrant from the Governor for the time being, in the nature of a *Fieri facias* directed to the provost marshal, which mulet of five hundred pounds aforesaid shall be put into the common stock, and be employed and disposed of for His Majesty's use in fortifications or other public good of this Island, and shall be also liable to answer an action of the case for damages at the common law, at the suit of the person or persons aggrieved.

10. Provided, and be it the true intent and meaning of this Act, That the person so offending as aforesaid be not employed in the King's service, or by the authority of this Island employed in such other matters as may occasion such neglect or delays aforesaid, any law, practice, usage, or custom to the contrary notwithstanding.

11. And for the avoiding of further disputes about the titles of land, it is hereby further declared and enacted by the authority aforesaid, That in actions concerning the titles of lands, it shall be a good plea in bar to such action for the defendant to allege that he and they whose estate he hath have been in quiet and peaceable possession of the said land in question for and during the space of five years, and this plea duly entered shall bar the plaintiff or demandant, unless he can disprove the same, or make it appear that the said five years' quiet possession incurred during the time that the said plaintiff or demandant was under the age of twenty-one years, a woman under coverture, or of unsound memory, or that the defendant or tenant held the same as his attorney, tenant, servant, or overseer by virtue of some particular estate for years, life, or in tail, which at or before the time of the action brought was expired.

12. And forasmuch as all persons are by this Act limited and appointed certain times wherein they are to make their claims to lands and tenements in this Island, but that it is not therein ascertained and appointed in what manner

Deeds executed in Europe not recorded in a year, void, except in case of accident in transmitting them.
By Act of 28th July 1764 (No. 25), s. 2. the time allowed for registering deeds executed out of ANTIGUA is two years.

Recital.
Inconvenience of delaying the business of the office.

Act.
Register or clerk neglecting duty, to forfeit 500 lbs. of produce to the King's use, leviable by distress, and to be liable to damages at the suit of the person aggrieved.

Except the King's service or employment under authority occasion neglect.
See No. 9. sect. 7.

Five years possession a good bar.
Vide Acts No. 59, preamble, and No. 157. s. 42.

Except against infants, &c.

Recital.
The necessity of fixing one legal mode of making claims.

and how such claims are to be made to lands and tenements, in case the Judges of the several Courts of Law should differ or vary in judgment and opinion in manner of claim, or allow of any other claim than is hereafter mentioned and declared; and to the intent that the same may be ascertained, and the possessors of the lands and tenements assured how and in what manner persons having or laying claim to any lands or tenements in their possession, and also all persons having right or title to lands or tenements, may for the future know how to demand and claim their right in such cases, and that the Judges of the respective Courts of Common Pleas for the future may not vary therein: The Deputy Governor, Council, and Assembly have thought fit to declare, and they do hereby show and declare, That all manner of persons whatsoever that are concerned to make claims to any lands or tenements within this Island, so as to make their claims effectual, are to make claim by their action at law duly entered in the offices of the courts of that precinct where the lands and tenements are, according to the former practice and rules of the said courts of the precincts, to which action the tenants or persons in possession are to receive summons from the said courts; and that all Judges and Courts of Common Pleas do allow of no other claim to any land or tenement for any person plaintiff in any suit or suits before them than what was to be made by their action on record, and summons given in manner aforesaid and not otherwise, any law, custom, usage, or practice to the contrary notwithstanding.

Act.
Claims to be made by
action at law, and not
otherwise.

Separate precincts
since abolished.

Recital.
Practice of reviving
suits every five years,
vexatious.

Act.
Action to be tried in
five years after claim;
and, if lost, to be de-
cisive for ever.

13. And whereas many persons having or pretending right or title to lands or tenements in the possession of others, having once made their claim within the time limited and appointed in this Act, may for ever hereafter keep their pretence of right or title to the lands, by bringing their action or actions by way of claim at law once in five years, and so again in five years, and so sue and trouble the persons in possession for ever: The authority aforesaid for prevention and removal of so great an inconveniency do therefore declare and enact, and it is hereby declared and enacted, That all persons whatsoever that shall hereafter make their claim to any lands or tenements within the time limited within this Act do, by the said action or some other action, if brought in the five years then next after, bring the same to trial, and the same trial to be conclusive and definitive on the plaintiff's part for ever, and never to bring any action then after for the same, but to be for ever barred, any law, usage, custom, or practice to the contrary notwithstanding.

No. 6.

EXPLAINED AND
AMENDED by Act 10th
June 1747 (No. 22),
sect. 7, et seq.

AN ACT for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein.

[Dated 15th July 1679.]

Preamble.

WHEREAS several Acts have been formerly made in this Island touching and concerning freeholders and inheritances within this Island, nevertheless doubts and contentions have arisen whether houses in the town built upon any proportion or parcel of land granted to any person or persons by warrant from any Governor, Deputy Governor, or other Chief Magistrate in this Island, or otherwise purchased from any person to whom such grants have been made, or from their heirs or assigns, should be taken, deemed, and held to be inheritance in fee simple to the person aforesaid, their heirs and assigns for ever, or whether such lands and houses shall be deemed, taken, and held to be chattels only, having heretofore sometimes been taken and held to be freehold of inheritance, and at other times it hath been taken and held to be only chattels, which hath

caused much contention touching several interests and estates therein to the prejudice of divers persons; therefore, for the prevention of the like evils for the future, and for encouragement of builders and improvers in the said towns:

2. Be it enacted and ordained, and it is hereby enacted and ordained by the authority aforesaid, That from and after the date hereof all and every proportion of land that already is or hereafter shall be granted to any of His Majesty's subjects in any of the towns within this Island, that shall thereon build and erect in and upon every such proportion of land a *framed timber house covered with shingles, or otherwise (provided such house be not thatched), or builded with brick or stone, covered as aforesaid*, within six months after the date of the return of such warrants into the register's office, all such lands and houses shall from thenceforth be taken, deemed, and held to be freehold and inheritance in fee simple to all such person or persons, their heirs and assigns respectively for ever.

Act.
Portions of land on which (in six months after return of warrant) shall be built *houses of framed timber, or brick or stone (not thatched)*, to be deemed, with the erections, freehold in fee.
See Act of 10th June, 1747 (No. 22.) sect. 7, 8, 9.

3. Provided always, and it is the intent of this Act, That this Act nor anything therein contained shall not call in question any matter or thing whatsoever acted or done heretofore touching the title of such houses, whether they were freehold or not, but that all such matter shall be deemed past question; saving and reserving the rights and interests of all persons to such houses and proportions of land as chattel before the date of this Act.

Act not to unsettle any title founded on past transactions;

4. And forasmuch as there hath an order been made by the Governor, Council, and Assembly of this Island for the more regular building of the towns of Falmouth and St. John's, and pursuant therunto plats of the said ground were then drawn by the Deputy Governor, and orders accordingly given to the respective surveyors to observe the same, and not to lay out any lands or proportions in the grounds appointed to be set apart for the churchyard, market place, parade place, and for the building of prisons, or in the streets of either of the said towns, which said orders have not been so well observed as was intended; therefore, for the prevention of all such irregular proceedings for the future:

Interests in houses and land, as chattels, vested before Act, saved.

5. Be it and it is hereby enacted by the authority aforesaid, That all grants for any part of the lands aforesaid or in any other the towns of this Island reserved as aforesaid shall be and is hereby declared void and of no force; and if any surveyor hath already or shall hereafter lay out any of the said lands or grounds reserved as aforesaid, it shall be deemed and taken to be a common nuisance, and proceed against as such, any law or custom to the contrary notwithstanding.

Grants of lands planned as churchyards, markets, parades, &c. void, and their occupation a nuisance.

6. And forasmuch as several persons have procured warrants for several proportions of land in the said towns, and have not built upon any, but hindered such as would build thereon, which much hindereth the improvement of the said towns:

7. Be it therefore enacted by the authority aforesaid, That all warrants heretofore granted to any person or persons whatsoever twelve months before the date hereof, who have not built thereon such buildings as are before in this Act prescribed to be deemed freehold and inheritance, be and are hereby declared to be null and void (except two proportions of land in the town of Falmouth reserved to Captain Obadiah Bradshaw, his heirs and assigns for erecting the said town, in consideration whereof the said Captain Bradshaw obtained a grant from Lieutenant-General Willoughby for one and fifty acres of land for his son John Bradshaw in the division of Nonsuch, formerly belonging to John Howell), and shall be void to all intents and purposes as if no such

Former warrants void where grantees have not made erections deemed freehold by Act.

Exception as to two individuals.

Future warrants good six months and no longer from their return into register's office, unless the houses prescribed are built.

Grants for more than two proportions void, if grantee has not built according to Act on two proportions.

Timber trees growing on lands marked out for towns to be for common use, if applied to building there.

Persons carrying trees from towns to be punished as trespassers.

Warrants for land in St. John's, Falmouth, and Bridge Town not to exceed proportions in clause; in other towns to be at discretion of the Governor.

warrant had been granted; and such warrants as shall hereafter be granted to any person or persons for any proportion of land in any of the said towns, shall be and continue in force for the space of six months after the return of such warrants into the register's office, and no longer, unless such building, as is before prescribed, be built thereon (except before excepted).

8. And it is further enacted by the authority aforesaid, That if any person or persons whatsoever have or shall obtain any grant or warrant for more than two proportions of land, as is hereafter in this Act mentioned and expressed, before such person or persons have built such houses on two of the said proportions, as is before expressed to be freehold and inheritance, all such grants for more than two proportions shall and are hereby declared to be null and void to all intents and purposes whatsoever.

9. And that all timber and timber trees standing, being, or growing on the land assigned and set out for the towns shall be and remain to the common use of such as shall build and improve the said towns, and shall not carry off or out of the said town lands any timber or trees fit for use in building upon any pretence whatsoever, and such person or persons shall be deemed trespassers, and shall be punished as a trespasser in any particular estate. And for the more regular proceeding in the building the said towns:

10. It is hereby enacted, That all proportions of land for which any warrants shall be granted shall not be more or less than eighty foot back and fifty foot front in the town of St. John's, and in the town of Falmouth forty foot front and sixty foot backward, and in the Bridge Town at Willoughby Bay forty foot front and fifty foot back, and in the town of Parham sixty foot front and eighty foot back, and in the rest of the towns within this Island such proportions as the Governor and Council for the time being shall think fit with respect to be had to the places where such towns are appointed to be built.

No. 7.

See, in connexion with this, Act of 28th Feb. 1718 (No. 14).

Preamble.
Recites, that Government, after the recapture from the French, in consequence of some reclaiming and not settling lands, encouraged others to settle by fresh grants, and that the new possessors, after expensive improvements, are threatened with ejectments on the old and superseded titles.

AN ACT for quieting the Inhabitants of this Island in their present Possessions, and preventing litigious Lawsuits. [Dated 21st July 1692.]

WHEREAS after the French King's conquest of this Island, and the retaking of it again by the English forces, many persons pretended right to land here, and some took up great tracts, who did not settle or improve the same, so that the Island was in all probability likely to be deserted, had not the Government encouraged others to take up land by giving patents, grants, and warrants for the same, which the Government thought might be lawfully done upon the failure of such pretended claims and non-settlers; which after settlers by aforesaid encouragement have made great improvements at their great expence both of money and time, and since this last war with the French the major part of the said present settlers have been at a vast charge in taxes, as also exposed their persons in Their Majesties' service for the defence of this Island, which would after all seem extreme hard and unjust to admit such persons to be disquieted in their settlements; as also many persons for valuable considerations did purchase from several persons, lands, and tenements, which held the same in right of their wives, which said persons, by the money received for their said purchase, did much improve themselves and families, and took up other land more convenient for them as they were then capacitated; since which many persons who pretended a former right, as well grantees as feoffees, have threatened to eject the present possessors out of their estates, notwithstanding at first taking up or purchasing the said land the same was of

little value, and so would have continued had not the present possessors, at their great expense as aforesaid both of money and time, made it otherwise, to the great benefit and addition of Their Majesties' revenue, the absolute settlement of this their Island.

2. And whereas the Chief Governor, Council, and Assembly are very sensible that present possessors as aforesaid, by such threatenings aforesaid, are much dissatisfied, and do not cheerfully go on with their settlements, for the cause aforesaid, but are rather inclinable (although many of them have made good estates, and have large families) to desert and depart from the Island, which would be the utter ruin thereof; for the prevention of which, and the quieting the present inhabitants in their present possessions, and taking away litigious lawsuits:

And recites that precariousness of tenure may cause depopulation.

3. We Your Majesties' most humble and obedient subjects, the Chief Governor of Your Majesties' Caribbee Leeward Islands, the Council and Assembly of this Island, do most humbly pray Your most Sacred Majesties that it may be enacted, and be it and it is hereby enacted by the authority of the same, That all persons at present upon this Island or absent therefrom that be possessed by himself, themselves, or his or their attorney or attorneys, agent or agents, of any lands or tenements, and claim the same in their own right in fee by virtue of any patent, grant, or warrant for any land, and have settled the same, or any person or persons now present upon or absent from this Island that derive their titles from such persons shall and may peaceably hold, occupy, and enjoy the same to them and their heirs for ever against all manner of persons, their heirs and assigns, claiming the said lands, by any manner of ways or means whatsoever.

Act.
Possessors, under grants from Government who have settled lands, confirmed.

4. Provided, That the person or persons so possessed as aforesaid, or either or all of them, have been in possession for the term or time of five years before the day of the date of this Act.

Provided possession has endured five years.

5. And be it further enacted by the authority aforesaid, That if any person that hath a former claim to any lands or tenements so possessed as aforesaid, or persons that were possessed of any land before the late conquest of this Island, or afterwards were entitled to the same by any Act of this Island made by the Lord William Willoughby or any of his deputies, or any grant after the said conquest from the said Lord Willoughby or any of his Deputy Governors as aforesaid, shall, within two years after the publication of this Act, and feme covert within two years after freedom from the said coverture, and orphans within three years after they shall come of age, at any of the Courts of Common Pleas of this Island where the land lies, by a jury empannelled for that purpose, try the matter, who, when upon their oaths, shall find that the plaintiff or complainant had a good title to the same, that then judgment shall be given that the person or persons now in possession shall pay so much to the person or persons so making their right appear as the said jury shall value the said land to be worth; always provided, that the said jury do consider the said land in the place where it is situated, and value the same at the time that the present possessors took possession of the same to settle, and no otherwise.

If, however, claimants under Government grants made before or since conquest shall in two years after Act (femes covert in two, orphans in three years after ability), try their claim by jury, and make out a title, present possessors to pay them the value of the land unimproved.

6. And be it further enacted by the authority aforesaid, That all deeds, or instruments of writing made in the register's office of this Island for the sale of land or otherwise, shall to all intents and purposes whatsoever be good and valid in law according to the true intent and meaning of the said parties (excepting the lands or tenements belonging to the wife sold by the husband only), any law, usage, or custom to the contrary notwithstanding.

By No. 9, sect. 8, deeds recorded in register's office good.
Exception.

7. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the future, where the husband stands possessed of his wife's inheri-

Wife's land may be conveyed by husband and wife.

Such conveyance to be as effectual as fine and recovery.

Wife to be examined touching her free assent, which must be certified by judge.

tance, together with his wife, under their hand and seals, to pass away the said wife's inheritance by any manner of deed whatsoever, and the person or persons to whom the same is passed shall have, hold, and enjoy the same according to the limitations specified in any deed aforesaid, the same being hereby declared to be good and effectual in law when recorded in the register's office according to the Act for the same, in as good and ample manner as though the same were passed by way of fine and recovery before any of the judge or judges in Westminster Hall, or otherwise, any law, usage, or custom to the contrary notwithstanding.

8. Provided the said wife be first examined before one of the judges of this Island, that she does not the same with any compulsion, dread, or fear of his husband, but of her own voluntary act and will, and the judge before whom such examination is taken is to certify the same under his hand upon the same deed.

[Rest of Act repealed or expired.]

No. 8.

CONFIRMED 25th Feb. 1696.

AN ACT appointing where the Laws of this Island shall lodge, and obliging the Secretary and Marshal to give Security for the true and faithful Performance of their Offices.

[Dated 10th October 1696.]

Preamble.
Want of a determinate place for the custody of Acts a public inconvenience.

Act.
Laws to be lodged in the Secretary's office in St. John's.

Secretary to permit their inspection at office hours.

To prevent concealment or falsification of Acts,

Secretary to give Bond in 500*l*. to the King.

Conditioned to preserve original Acts and other writings faithfully, and pay all damages incurred by default.

WHEREAS no place hath been heretofore appointed for the lodging and securing the Acts of this Island, so that His Majesty's subjects have been at no certainty where to find the same and take copies thereof, to their great detriment and inconvenience; for remedy whereof for the future,

2. Be it enacted and ordained by the Chief Governor, and Council, and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted by the authority of the same, That from and after the day of the date of this Act, as well the original laws heretofore made and enacted as those that shall hereafter be enacted, shall be lodged in the Secretary's office of this Island, in the town of St. John's, and not elsewhere; and the Secretary for the time being shall at all office hours be ready to show all or any of the said Acts when thereunto required by any of His Majesty's subjects as may or shall have occasion to view the same.

3. And to the end His Majesty's subjects may be fully satisfied no embezzlements, rasure, or defacement of the said Acts, or any of them, shall for the future be committed in the said office:

4. It is enacted and ordained by the authority aforesaid, That the Secretary of this Island, and his lawful deputies that shall act in his room or stead, shall give in bond, with good and sufficient security, to our Sovereign Lord the King, his heirs and successors, in the penalty of five hundred pounds current money, in the following condition:

'The condition of this obligation is such, That if the above bound A.B., Secretary, his deputy or deputies, and each and every of them, shall and do well and faithfully execute and perform the offices and places of Secretary and Clerk of the Enrolments for this His Majesty's Island of Antigua, and also faithfully and truly keep and preserve in his said office all and every the original Acts of this Island, and all other writings and evidences now in the said office or that shall be elsewhere found and placed there, as also whatever Acts, evidences, and writings shall be hereafter made and delivered into his custody, so that His Majesty's subjects may have recourse thereto; and likewise pay all damages which shall or may accrue to any inhabitant or inhabitants of this Island, or other, by their misdoings or defaults in the said execution of the said offices and

' places, and that shall be recovered on any action commenced for the same at any time within two years after committing any such default or defaults as aforesaid ; and that if in all things else the said A.B., his deputy or deputies, and each and every of them, do comply with the duties of the said offices and places, according to the trust reposed in them, and according to the laws of this Island in such cases made and provided, that then the above obligation to be void and of no effect, or else to remain in full force and virtue.'

5. And forasmuch as great harms and damages have already accrued unto the people of this Island through the wilful mistakes or negligent performances of the late provost marshal of this Island : to prevent the like abuses for the future, be it enacted and ordained by the authority aforesaid, That the provost marshal of this Island for the time being, or his lawful deputies that shall act in his room or stead, shall give in bond, with good and sufficient security, to our Sovereign Lord the King, His heirs and successors, in the penalty of five hundred pounds current money, in the condition (*mutatis mutandis*) before mentioned, which said bonds shall be recorded in the register's office of this Island, and then lodged in the hands of the Chief Justice for the time being, who is hereby appointed and authorized to take the same from the said officers respectively as aforesaid, there to remain cautionary for the security of the inhabitants of this Island from all such losses and damages as any person or persons shall or may hereafter sustain.

Marshal or deputy to give bond in 500*l.* penalty, recorded with the Chief Justice.

6. Provided always, and it is hereby declared to be the true intent and meaning of this Act, That the said bonds so given as aforesaid shall be taken in the King's name, but are hereby declared to be only to and for the use and in trust for the person or persons concerned ; and that when any of the said bonds shall be put in suit and judgment thereupon obtained, the judgment shall remain in the same nature the bonds were, and that no execution issue out thereupon before the person aggrieved shall by Seire facias or other process summon the person or persons against whom the judgment aforesaid is obtained to appear and show cause why execution should not issue upon the said judgment ; and if the Plaintiff in the said Seire facias shall duly prove what damages he hath sustained, and thereupon a verdict be found for him, the judge shall in such cases award execution for so much as the jury shall then find and no more ; and the former judgment is hereby declared still to remain cautionary, for the satisfaction of such other of His Majesty's subjects as shall legally prove themselves damnified and recover the damages as aforesaid by due course of law ; and if any judgments have been already obtained, and thereupon execution taken out for the whole sum mentioned in the bond, that in such cases the said judgment remain in force, but that all process thereupon do surcease and be stopped, and that no benefit be had of the said judgment before the Seire facias be taken out and the damages legally proved as aforesaid.

Such bonds to be taken in the King's name, in trust for aggrieved persons.

On judgment on the bonds, no execution to issue till the person complained of be summoned to show cause against it. The Plaintiff to have execution only to the amount of his damages.

The judgment to remain cautionary for satisfaction of others.

Executions on such judgments never to issue but according to the process above.

7. That the Secretary or his deputy for the time being be obliged to give his due attendance at his office from [ten in the morning to four] in the afternoon, except on Sundays and such holidays as are usually observed in this Island, under the penalty of twenty shillings current money of this Island for each default in not performing the same, one moiety whereof to be to our Sovereign Lord the King, His heirs and successors, for and towards the support of the government of this Island and contingent charges thereof, the other moiety to the informer, to be recovered in any court of record by action, bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed.

Office hours of Secretary. See No. 226, s. 5.

29th July 1864.

8. That neither the said Secretary or marshal, their deputy or deputies, do or shall from and after the fifteenth of this instant October presume to act or officiate his or their said office or offices until he or they shall enter into the aforesaid bond or bonds, with the condition before recited, upon penalty of five

After 15th October instant Secretary or Marshal not to act without giving bonds, under penalty of 500*l.*

How recovered.

Application of fine.

Secretary or marshal's bond sufficient security.

hundred pounds current money for every time he or they shall so officiate or act in his or their said office or offices, to be recovered in any court of record in this Island by bill, plaint, or information, wherein no essoign, protection, injunction, wager of law, or *non vult ulterius prosequi* shall be admitted or allowed; the one half to be to our Sovereign Lord the King, His heirs and successors, for and towards the support of the government of this His Majesty's Island and the contingent charges thereof, and the other half to the informer or him that shall sue for the same, any law, custom, or usage to the contrary in anywise notwithstanding.

9. Provided also, That if the Secretary or marshal, or his or their lawful deputy or deputies for the time being in this Island, shall enter into bond or bonds as aforesaid, that then it shall be accounted sufficient to discharge him or them from entering into any other bond or security required by the Acts of this island, anything herein or in any other Act to the contrary notwithstanding.

No. 9.

AN ACT for the better Regulation and Settlement of the Register's Office.

[Dated 3rd November 1698.]

CONFIRMED 22nd Oct. 1700.

For the laws on REGISTERING, see in connexion with this Nos. 1 and 26, the direct Register Acts, and Nos. 5, 25, 26, and 220, and the statute of the LEeward Islands (No. 32), which relate incidentally to registering. Act confirms old Register Act, dated 13th April 1668 (No. 1), as far as not affected by this Act.

FORASMUCH as by long experience it hath been found that an Act intituled "An Act for establishing a Register's Office, and the several Fees that belong thereunto," hath been very profitable and beneficial to the inhabitants of this Island, and that the continuation of the same, with some alterations, amendments, and regulations will be of no less use and service for the time to come, we, Your Majesty's most loyal and obedient subjects, the Governor, Council, and Assembly of this Island of Antigua, do pray that it may be enacted, and be it enacted by the said Governor, Council, and Assembly of the Island aforesaid, and by the authority of the same, That the said Act intituled "An Act for establishing a Register's Office, and the several Fees that belong thereunto," and every clause, article, and thing therein contained, and not made void, altered, repealed, or otherwise provided for in this present Act, is and for ever shall be confirmed, ratified, and established, to all intents, constructions, and purposes whatsoever.

Governor, Council, and Assembly to appoint register.

2. That the person who for the time to come shall execute the office of register shall be appointed, empowered, and authorized by the Commander-in-Chief, or by the Lieutenant Governor, Deputy Governor, or President for the time being, by and with the consent of the Council and Assembly of this Island for the time being, and not otherwise.

Register not to act till sworn.

3. That the person so appointed shall in nowise be capable of or qualified to execute the said office until he hath been duly sworn before the Governor-in-Chief, Lieutenant Governor, Deputy Governor, or President and Council for the time being, in the words following, viz.:

His oath.

' I A.B. do solemnly depose and swear on the Holy Evangelists of God, that I will well and truly serve our Lord the King, and the inhabitants of this Island as register of the same so long as I shall continue in the same, to the best of my skill and knowledge, and according to the laws of this Island in this case made and provided, and that I will not do anything nor suffer the same to be done for love, recompence, or for reward, nor will I receive any deed or suffer it to be recorded where there is a deed already passed for the same, but in all things will well and faithfully serve the country.-

So help me God.'

4. That in case the said register or his deputy shall at any time act, do, or perform anything in his said office to the prejudice of any person whatsoever, he shall forfeit double damages on due proof made, to be recovered in any court of record in this Island by bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed of, and all such recoveries so made shall be and endure to the use of the person damaged, and not otherwise.

Register misbehaving to forfeit double damages.

Recoverable by bill. No dilatory plea.

5. Provided always, That the said register shall have full power and authority to appoint one deputy for the better performing the business of the said office, which deputation shall be in writing and under the hand and seal of the said register, and in no ways to take place till recorded both in the said register's and secretary's office of this Island.

Register may appoint deputy, &c., the deputation to be recorded.

6. That the said deputy, in such manner deputed and appointed, shall execute all the powers and authorities to the said register belonging as fully and amply to all intents and purposes as if the said register was personally present and did the same, and whatsoever the said deputy shall lawfully act or do in, about, or concerning the premises shall be held, taken, and accounted good, firm, and stable.

Deputy to have same powers as principal.

7. Provided always, That the said register shall always be answerable for and liable to make recompence and satisfaction for any damages sustained either through the negligence, faults, or mismanagement of such deputy in and about the execution of his office.

Register answerable for deputy.

8. That all deeds, mortgages, leases, and other conveyances of lands and tenements on this Island, which have been acknowledged before the register or any of his deputies, or to which he or they or any of them have subscribed as witnesses, although the same were not actually made by the said register or his clerk in the said office, pursuant to the before-mentioned Act, intituled "An Act for establishing a Register's Office, and the several Fees that belong thereunto," are hereby ratified, allowed, and confirmed and made good, as fully and amply as if the same had been made and executed according to the very letter of the said Act; and all such lands and tenements as have heretofore been recovered by course of law, devised or bequeathed by will or otherwise descended, are hereby ratified and confirmed to the present possessors of the said lands and tenements in as full and ample manner as if certificates thereof had been duly brought from the secretary's office and entered in the register's office as in and by the said Act is directed and appointed: Always provided, and it is the true intent and meaning hereof, that the foregoing paragraph or anything therein contained shall not be construed or taken to create a better estate to any person or persons concerned in the said deed or deeds, will or wills, recovery or recoveries, made by due course of law than what is mentioned, set down, and expressed in the premises aforesaid.

Conveyances not made by register, if acknowledged before and testified by him, to be good, notwithstanding former Register Act, No. 1, sect. 4.

Lands recovered or coming by descent ratified to present possessors without certificate required by No. 1, sect. 5.

This Act not to give better title than the deed or will ratified gives.

9. That from henceforth no bargain, sale, mortgage, lease, conveyance, assurance, or other instrument of writing, of what nature, kind, or quality soever (wills only excepted), whereby or wherein any estate in lands and tenements shall be assured, passed, conveyed, set, let, confirmed, released, altered, barred, enlarged, assigned, or any ways transferred from one subject to another, shall be good or effectual in law or equity, or any ways pleadable or allowed to be pleaded in any court on this Island, unless the same be acknowledged by the vendor, donor, lessor, or other person or persons conveying or transferring the same, or by some person or persons lawfully empowered to acknowledge the same before the register himself for the time being, or such lawful deputy as in and by the said Act he hath power and authority to depute and appoint, which said acknowledgment shall be endorsed on the back side of the said deed, conveyance, or other instrument of writing by the said register or his deputy,

No conveyances of land (except wills) to be good till acknowledged before register.

Acknowledgment to be endorsed and attested by register.

together with the day of the month and year of our Lord in words at large, and afterwards signed by the register's own hand or hand of his deputy to be appointed as aforesaid.

When acknowledged register not to part with conveyance till recorded.

10. That after such acknowledgment and endorsement as aforesaid the said deed, conveyance, or other instrument of writing, before the said register shall part with the same out of his said office, shall be duly and fairly registered and entered at large in a book made of good thick and durable paper to be kept for that purpose.

Time of acknowledgment to be deemed the time of registry.

11. And to prevent all disputes which may happen about the priority of entering the said deeds, conveyances, or other instruments of writing or any of them, the time of acknowledgment shall be deemed, esteemed, and taken to be the time of the entry or registry thereof.

No will devising lands to be evidence till proved as in clause, and recorded in register's office.

12. That from henceforth no will wherein or whereby any estate in lands or tenements are devised shall be allowed to be pleaded or admitted for evidence in any court of law or equity until the same be duly proved before the Governor-in-Chief, Lieutenant or Deputy Governor, or such other person or persons having power to take the probate of wills, and entered at large in the said register's office.

Former probates before Governor or Council, and recorded in secretary's office, to be as good as if proved in Prerogative Court of Canterbury.

13. And forasmuch as disputes may arise touching the taking of probates of wills heretofore made and proved, which may be of great prejudice to the inhabitants, many of whose estates derive from the said wills; to prevent which be it therefore enacted and ordained by the authority aforesaid, That all probates of wills heretofore made and taken before the Governor-in-Chief, Lieutenant or Deputy Governor, President or Presidents, or Council of this Island, and recorded in the Secretary's office of the same, or any or either of them, shall be held, esteemed, reputed, and taken to be as good to all intents and purposes whatsoever as if the said wills or any of them had been proved in the Prerogative Court of Canterbury, any law, usage, or custom to the contrary in anywise notwithstanding.

Copies of deeds attested by register to be as good evidence as the originals.

14. That copies of all bargains, sales, mortgages, or other deeds or instruments of writing, and of all wills, warrants, letters patent, or other instruments of writing which at any time heretofore have been or hereafter shall be duly entered and registered in the said register's office pursuant to any clause in the said Act, intituled "An Act for establishing a Register's Office, and the several Fees that belong thereunto," or in this present Act directing the same, and attested by the said register, or in his absence by his lawful deputy for the time being, shall be as good evidence and allowed to be pleaded in any court as if the original was then and there exhibited, except leases, which being temporary in their own nature, the record shall be equal to the original in validity no longer than one year after the expiration of such term in such lease mentioned, or till the first court after such year expired, if no court within a year after the expiration as aforesaid, to the end that no person may have trouble after the original is complied with and cancelled.

Exception as to leases.

Conveyances of land (except wills) made since former Act, and not already registered, if made on the Island, to be recorded in six months after this Act.

15. That all bargains, sales, leases, mortgages, and all other deeds, conveyances, assurances, or other instruments of writing heretofore made at any time since the date of the before-mentioned Act, intituled "An Act for establishing a Register's Office, and the several Fees that belong thereunto," be the same of what nature, kind, or quality soever, which have any relation to or doth any ways concern any estate in lands or tenements in fee simple, fee tail, or for term of life or years, hath been passed, assured, conveyed, transferred, released, altered, barred, or enlarged, or whereby any right, claim, or demand whatsoever have been released, or may at any time accrue, arise, descend, or happen upon contingencies or otherwise (wills only excepted), shall be entered and registered

in the office of the said register, in manner and form following; that is to say, all such bargains, sales, and other conveyances and instruments of writing herein-before mentioned, and formerly made (as aforesaid) and executed on this Island, and not before registered, shall be registered at large within six months after the date of this present Act; and all such bargains, sales, leases, mortgages, and other instruments aforesaid heretofore made and executed in any other the islands or places within the Government of the Leeward Islands (not before entered) within twelve months after the date hereof, always accounting twenty-eight days to a month; and all such bargains, sales, mortgages, and other the said instruments of writing before mentioned which have formerly been made and executed since the time before limited in any other island, place, or country, without the jurisdiction and Government of the said Leeward Caribbee Islands (not before entered or registered), shall be entered and registered at large in the said register's office within two years after the date of this present Act; and in default of all and every such entry or registering in manner and form aforesaid, all such bargains, sales, mortgages, leases, and other instruments of writing, herein-before more particularly nominated and expressed, whereby any estate in lands or tenements may, can, or shall be claimed or demanded as aforesaid, shall be utterly null, void, and of none effect, both in law and equity, to all intents, constructions, and purposes whatsoever, as fully, wholly, and absolutely as if they or either of them had never been made or executed, and shall never be admitted as evidence in any cause or case whatsoever, any law, custom, or usage to the contrary hereof in anywise notwithstanding.

16. Provided always, they be such deeds or other conveyances or instruments of writing as there cannot be shown a better title for by the former or this present Act of registry, and no otherwise.

17. And to the end that all persons concerned in the registering such deeds and conveyances and other instruments of writing as aforesaid within the several times limited by this Act may have the better knowledge of the paragraph relating thereto, the Secretary for the time being is to draw fair copies of the said paragraph, and affix the same on the most conspicuous place within the several towns of this Island, as also in his own, the naval and custom-house offices, within ten days from the date of this Act, on penalty for his default therein of forfeiting one hundred pounds current money, to be levied by warrant from the Governor-in-Chief, Lieutenant or Deputy Governor, President or Presidents for the time being, to be directed to the provost marshal or his lawful deputy for the time being to the use of the public of this Island, and to no other use, intent, or purpose whatsoever.

18. That the clause in the aforesaid Act, intituled "An Act for establishing a Register's Office, and the several Fees that belong thereunto," for bringing certificates from the Secretary's office of all lands recovered by course of law or devised by will or otherwise descended, as also one other clause in the said Act obliging all deeds, leases, mortgages, and other instruments of writing relating to lands and tenements to be made by the register or his deputy and in his office, are hereby repealed and absolutely made void and of none effect.

19. That all instruments of writing between subject and subject already recorded in the register's office shall be taken, esteemed, and deemed as actually indented, notwithstanding any words that shall be contained in any of the aforesaid instruments of writing do seem to the contrary, and for the future all instruments of writing made in this Island relating unto lands, bonds, letters of attorney (wills excepted) shall be actually indented by the register or his deputy; and if it shall so happen that any deed or instruments of writing made in this Island relating unto land written by any other person than the register or his

If in any other part within the Government of the Leeward Islands within 12 months;

if elsewhere out of the Government of the Leeward Islands within two years.

On default of such registry, to be void, and not evidence.

See clause in Act 9th Jan. 1676, No. 5, which limits certain times to record deeds.

Provided no deeds, by due registry, show a better title.

Secretary to post copies of section 15 in the towns, public offices, &c. in 10 days from Act, under penalty of 100l.

To be levied by Governor's warrant, for public use.

Sec. 5 of old Act, No. 1, and part of sec. 4 repealed.

All conveyances already recorded to be deemed as indented, and future conveyances to be indented by the register.

deputy, and brought to be recorded in the register's office, and is not actually indented, the said register or his deputy shall indent the same before the recording thereof.

20. And whereas there may arise many disputes concerning the livery and seisin of lands, tenements, and houses purchased as the course of the common law requires in such matters: For the prevention whereof and to ascertain the same, be it enacted by the authority aforesaid, That all instruments of writing heretofore made relating unto lands, tenements, and houses, and recorded in the register's office, shall be to all intents and purposes equal to a livery and seisin, and shall be tantamount to the same.

21. And all deeds made in this Island for the future and recorded in the register's office shall operate according to the purport of the said deeds without any livery and seisin; and pleading the said deeds to be registered in the register's office shall be adjudged in any court of this Island as livery and seisin, and to be as good in law by such pleading and showing as aforesaid as though livery and seisin were actually perfected according as the law in the strictest sense can allow or construe the same, any law, usage, or custom to the contrary notwithstanding.

22. Repeals part of Act No. 7.

23. Always provided, That all and every clause and clauses, thing and things, contained in the rest of the said Act stand firm and good to all intents and purposes, according to the true intent and meaning thereof, excepting where in this present Act or any other already made in this Island it is particularly mentioned to the contrary.

No. 10.

AN ACT for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers, now to be disbanded, to continue therein, by enabling them to become Settlers amongst us.

[Dated 24th December 1700.]

WHEREAS numbers of people are absolutely necessary to render a place secure, especially this Island, where the many inlets, creeks, and harbours it abounds with make it impracticable for the inhabitants to erect fortifications by means of the vast expense requisite to render the same but tolerably defensible, and as nothing contributes more to the certainty of such numbers than the fixing small freeholders in this Island to such a degree as may balance at the least the inconveniencies before mentioned:

2. And whereas likewise the avarice of some men hath induced them, under plausible pretences, to procure themselves large tracts of land altogether inconsistent with their capacity of settling the same or the probability of doing it hereafter, by which means when taxes have been laid the burden on such quantities have become so grievous that ways have been found out to obviate and avoid the payment, to the great discouragement of the poorer and other more useful settlers who were rendered thereby liable to an undue proportion of those public charges which the necessity of the late war so heavily drew on us, and in regard the generality of the inhabitants do still lie under the same hardships as to payment of public dues, and that many other smaller parcels of land, occasioned by the death of some, the neglect of others, and the desertion of many more, lie yet uncultivated, and by not contributing to the yearly funds for the necessary support of the Government, become altogether useless to the public: To prevent which for the future:

A recorded deed equal to livery and seisin.

Future deeds to operate without livery; pleading the registry as good as livery.

Said Act, No. 7, where not affected by this or any former Act, confirmed.

Vide Act 106. EXPLAINED AND AMENDED by Act of 10th June 1747 (No. 22).

See Nos. 11 and 22, encouraging settlers.

Recital.

3. Be it therefore enacted by his Excellency Christopher Codrington, Governor-in-Chief of His Majesty's Leeward Caribbee Islands, and the Council and Assembly of this His Majesty's Island of Antigua, and it is hereby enacted by the authority of the same, That the Treasurer for the time being shall forthwith draw out fair lists of all the lands within this Island which have been indebted to the common stock the space of four years or more from the date of this Act, mentioning the sum due from each parcel in the said lists, and shall affix the same in some conspicuous place in the town of St. John's, Parham, Falmouth, and Willoughby Bay, to the end that sufficient notice may be given to all persons concerned to bring and pay unto the Treasurer the dues thereon accruing to the public, which if the proprietors by themselves or others shall refuse or neglect to do by the twenty-third day of March next inclusive, the said lands shall (*ipso facto*) from thenceforward become forfeited to His Majesty, his heirs and successors, to be disposed of from time to time as hereafter set down in this Act, and to no other use, intent, or purpose whatever; that is to say, all such lands as aforesaid, or any other to be disposed of by virtue of this Act, shall be distributed in parcels of ten acres by the Governor, Council, and the Assembly of this Island for the time being for the encouragement of poor settlers, more especially the King's regiment now to be disbanded, who is hereby declared to be first preferred to the settlements aforesaid, any law, custom, or usage to the contrary in any ways notwithstanding.

Act.
Treasurer to post in towns lists of lands which have been indebted to common stock four years or longer.

Proprietors not paying dues by 23rd March 1701, to forfeit their lands to the uses of Act.

Lands to be distributed in parcels of 10 acres, &c.

4. And it is further enacted by the aforesaid authority, to prevent trouble and charge in passing the titles of the said lands to the settlers thereof, That a warrant directed to any sworn surveyor of this Island to measure and lay out the same, signed by the Governor-in-Chief, Lieutenant or Deputy Governor, or President of this Island, together with one or more of the Council, and the Speaker of the Assembly for the time being, and recorded in the register's office of this Island in a distinct book appropriated to that use with each surveyor's return thereon, shall be deemed and is hereby declared for ever to be a good right to the person to whom such warrant is granted, and to the heirs of his body lawfully begotten for ever, and that the title to all intents, constructions, and purposes is to remain firm and valid, without any patent, deed, or other conveyance, grant, or writing whatsoever.

Warrants for forfeited lands to be recorded in register's office in a distinct book;

and with surveyor's return to be a sufficient title.

5. Provided always, and it is the true intent and meaning thereof, That such lands so disposed of shall not be liable to any alienation by the parties in possession by any deed of sale or other writing or manner or way whatsoever, nor be subject to the payment of any debt so as to be taken by execution or otherwise, but shall, on the party's deserting it twelve months to whom granted, or the heirs of his body aforesaid being extinct, revert to and again vest in His Majesty, His heirs and successors, to be from time to time, as often as it shall so happen, distributed to others by the Governor, Council, and Assembly as before recited, and not otherwise, any law, custom, or usage to the contrary notwithstanding.

Lands so distributed not to be subject to alienation or debt; on desertion or issue failing, to revert, and be redispensed of by the authorities of the Island.

Act 10th June 1747 (No. 22), sect. 1, 2, supplies defect in this provision.

6. That, in regard to all persons, but more especially men of low circumstances and degree, the beginning and first entrance on settlements are most troublesome and chargeable, the Treasurer for the time being is hereby declared, without any further order, to have full power and authority to advance out of the public stock of this Island, by way of loan for twelve months to each person procuring a warrant for land as aforesaid, in order to the better carrying on his said settlement, three pounds in money, one barrel of beef, and a cask of about two hundredweight of good flour.

Treasurer to advance to each settler, as a loan, 3*l.* in money, a barrel of beef, and a cask of flour.

7. And that all soldiers belonging to the King's regiment, whether supernumeraries or others, now in this or any other the Leeward Islands within this Government (except those who are already freeholders, who are hereby declared

Soldiers already freeholders not to have additional grants.

Soldiers unprovided to have 6d. per day subsistence till grants made.

Each soldier to have 12s. for passage from Leeward.

Such settlers constituted freeholders, and empowered to vote, and exempted from taxes for three years.

Governor empowered by the agency of public treasurer to purchase additional lands to like uses.

wholly exempt from the benefit of any the before-mentioned grants), shall duly receive out of the Treasury of this Island till tender made of such settlements as aforesaid, or possessed of them, sixpence *per* day as an intermediate assistance, to be paid monthly by the Treasurer for the time being, besides twelve shillings to each soldier for defraying his passage from Leeward who shall see cause to remove thence on the encouragement herein laid down to this Island, where all persons taking land as aforesaid shall not only be qualified as freeholders by being exempt from arrests and giving their vote and suffrage, &c., as any other freeholder in this Island whatsoever, but be no ways chargeable for parish or public taxes for the space of three full years after possession of the same, any law, custom, or usage to the contrary notwithstanding.

8. That whereas the lands subject to forfeitures by this Act may not be sufficient to encourage such numbers of settlers as are requisite for the defence of this Island in case of an irruption of war, the Treasurer for the time being, in the name and to the use of the public of this Island, shall purchase all such quantities of land as shall be ordered from time to time by the Governor-in-Chief, Lieutenant or Deputy Governor, or President, and the Council and Assembly of this Island, to be paid for out of the Treasury of the same, according to such rates and prices as shall be approved of by them and no otherwise, which lands so purchased shall for ever remain to the same uses, ends, and purposes as before set down in this Act, and to be distributed and registered as before recited, and after no other manner nor to any other use, purpose, or advantage whatsoever, any law, custom, or usage to the contrary notwithstanding.

No. 11.

AN ACT for the further encouraging the Settlement of this Island.

[Dated 28th June 1702.]

CONFIRMED 8th May, 1703. See Nos. 10 and 22 encouraging settlers.

WHEREAS we think ourselves under all the obligations of Christian charity, as well as natural compassion, to give all the assistance and encouragement in our power to such of our afflicted Protestant brethren who have been forced to quit their native country for conscience' sake :

2. And whereas we are also persuaded that the encouragements and privileges, under due restrictions, given to such will tend greatly to the strengthening this Island, the manuring and cultivating the land, which yet remains unsettled, the consumption of English manufactures, and the increase of Her Majesty's customs :

3. Be it enacted by his Excellency Christopher Codrington, Esquire, Captain General and Chief Governor, by and with the advice and consent of the Council and Assembly of this Island, That when any Protestant alien arriving on this Island shall desire to become an inhabitant among us, he shall by the provost marshal or his deputy be brought before the Chief Governor of this Island for the time being and the Council thereof at their next meeting after such arrival; and if upon careful examination it shall be judged that the said person or persons are what they pretend to be, and not spies, they shall then be admitted to take the oaths appointed in lieu of the oaths of allegiance and supremacy, and to subscribe the test as by Act of Parliament directed; and, due record being made of the same in the secretary's and register's office of this Island, the said persons, after their becoming freeholders, by being owner or owners of at least ten acres of land in the country, or an house in any of the towns of this Island, shall be and are hereby declared legally qualified to take, purchase, rent, and enjoy lands and tenements, or any manner of estate whatso-

Protestant alien desirous to settle, being approved, on examination by Governor and Council, to take oaths and subscribe test;

on becoming freeholders to have privileges as natives: but see sect. 5.

ever on this Island, and also to sell, alienate, and dispose of the same by will or otherwise, as likewise to sue and be sued in any of the courts of this Island; and further shall have, hold, and enjoy all other privileges whatsoever on the same as if he or they had been born thereon.

4. Provided always, and it is the true intent and meaning hereof, That the number of aliens thus admitted to settle among us shall not exceed one-fourth of English, Scotch, Irish, and Cariole subjects.

Their number not to exceed one-fourth British and native colonists.

5. Provided also, That no alien originally claiming by virtue of this Act, shall be enabled to serve as a councillor, or assembly man, justice of the peace, or courts, or in the militia as a field officer, but that their issue be enabled to have and enjoy all the privileges and immunities of His Majesty's natural-born subjects of England, any law, custom, or usage to the contrary notwithstanding.

No alien to be councillor, justice of peace, or field officer, but alien's issue may.

6. And whereas by an Act of this Island, made on the twenty-fourth day of August in the year of our Lord one thousand six hundred and eighty-one (Sir William Stapleton then being General) intituled "An Act confirming all "Foreigners inhabiting in this Island in their Estates, to them and their Heirs "for ever," it was provided for the speedy settling this Island, "that all "foreigners should in all respects have and enjoy all the freedoms and privileges "of any the King's subjects born within his realm, and be as capable to take, "hold, and enjoy, alienate, or dispose any lands, or real interests in this Island, "as any natural-born subject whatsoever," which Act we know not by what neglect was never transmitted for confirmation :

Recital. Act of 24th Aug. 1681, encouraging the settlement of foreigners, through accident, never transmitted for confirmation.

7. And whereas at the first settling this Island, before the Acts of trade were made, and soon after the French conquest of the same, divers foreigners came and settled among us, whose children, or others claiming under them, are still living among us :

8. And whereas certain Protestant aliens, by the encouragement of the aforesaid Act, did take up lands, and with no small expense and labour did settle the same :

9. And whereas likewise certain of the said aliens and the heirs of others are still living among us :

10. Be it enacted by the authority aforesaid, That all such persons and their heirs are hereby declared to have all the advantages, privileges, and immunities, as before recited in this Act, and that their several estates be and are hereby confirmed to them, and their heirs for ever, to all intents, constructions, and purposes, as if they had been natural-born subjects of the kingdom of England; any law, custom, or usage to the contrary notwithstanding.

Act. Aliens already settled confirmed in privileges and estates.

No. 12.

AN ACT for ascertaining what the Executors or Administrators shall have and enjoy of the Crops growing on the Ground of those that are Tenants for Life, Tenants in Dower, or Tenants at Will. [Dated 28th June 1702.]

CONFIRMED 8th May 1703.

WHEREAS sugar is the general commodity of this Island, and the sugar canes growing for the making thereof, which of right belong to the executor or administrator of the deceased tenant for life, in dower, or at will, are but of little value unless ground into sugar, rum, or molasses, which cannot be done but at great charge; and it having been doubted at whose expense the same should have been done, which has caused great disputes and lawsuits between heirs and the executors or administrators; for the prevention of which for the future :

Preamble.

2. We Your Majesty's most loyal, dutiful, and obedient subjects, his Excellency Christopher Codrington, Esq., Captain General and Commander-in-Chief, the Council, and Assembly of this Your Majesty's Island of Antigua, humbly pray Your most Sacred Majesty that it may be enacted, and be it and it is hereby enacted by authority of the same, That when any tenant in dower, for life, or at will shall hereafter decease, by which means the executors or administrators of the aforesaid tenants have a right to the crop of sugar canes, or any part thereof then growing, after the death of any of the afore-mentioned tenants, there shall then issue out a writ, at the request of the said executors or administrators, under the hand of the Chief Justice of the precincts where such canes grow, directed to four honest, discreet, knowing planters, commanding them, or any three of them, to repair to the place where the aforesaid canes are, and the same to view, value, and appraise upon oath, (which said oath is to be administered by the said Chief Justice or any of the justices of this Island,) what such canes are *bond fide* worth, having regard and consideration that the said canes ought be ground by the mill of the heir or owner of the freehold, and the liquor boiled in the coppers of the said heir or owner, for the making of sugar, as likewise the rum to be distilled in the still of the aforesaid person or persons; which said appraisement shall be returned under the hands of the said appraisers, or any three of them, into the Secretary's office of this Island, within two days after the view and appraisement made as aforesaid, which being done, the heir, possessor, or owner, or any that do represent him, her, or them, shall pay the full of such appraisement to the executors or administrators who have a right to the same; that is to say, the one half part thereof in six months and the other half in twelve months from the day of such appraisement; which said appraisement not being complied with or paid in manner and form aforesaid, upon complaint made by any of the party or parties that have a right as aforesaid, there shall issue forth an execution immediately, signed by the Chief Justice of the precincts aforesaid, commanding the provost marshal, or his lawful deputy, to levy so much upon the goods and chattels of the heir or owners as aforesaid as will pay the said appraisement, with the charges accruing thereby, which said goods and chattels shall immediately be disposed of as by law shall be appointed in other cases of executions; and if no goods or chattels are to be found, then the same may be levied on the working cattle or horses of the said offenders, and be disposed of in manner and form as in and by the act of courts for the time being shall be directed and appointed, any law, custom, or usage to the contrary notwithstanding.

3. And it is the true intent and meaning of this Act, That there shall be no value or appraisement made of any canes standing or growing that shall not be thought in the judgments of the said appraisers to be fit to be cut and ground for sugar, ratoon-canecan in twelve, and plants in eighteen months, after decease of the said tenants as aforesaid.

4. Provided always, That it is the true intent and meaning hereof that where it shall happen that no work shall be on the estate of the heir, that the heir shall not be bound to such appraisement, but that the executor of such tenant for life, dower, or at will have liberty to take off his canes, doing no damage thereby, by erecting a work on the land and taking off the same after grinding of his canes, if he see fit.

5. That every such appraiser shall and may receive from the said executors or administrators the sum of six shillings each man, and for signing the said writ of appraisement or execution six shillings, and to the Secretary for the writ of appraisement, as writs of summons, and for the executions as is established for executions had and taken out of the Secretary's office, which said

Act.
On death of tenants
in dower, &c.
writ to issue for
appraisement of canes
growing, on oath, as
in clause.
No. 145, s. 17.

Appraisers to regard
executors' right to
use mill, &c.

Appraisement to be
returned into secre-
tary's office.

Heir, &c. to pay half
in six months, and
remainder in twelve;

or execution to issue
against him;
for levy on goods;

in deficiency of goods
on cattle.

Canes not mature in
12 and plants in 18
months excepted.

Where no work on
estate, heir not bound
to appraisement, but
executor may erect
temporary work.

Appraiser's and
Secretary's fees.

charge, otherwise than the execution, shall be borne and paid by the said executors or administrators.

6. That if such heir or owner as aforesaid, or any for him or them, shall directly or indirectly hinder, impede, or molest any of the aforesaid appraisers to do their duty in manner and form aforesaid, he or they shall immediately be committed to the common gaol of this Island, and there stand committed without bail, until he shall be obedient to the writ of appraisement as aforesaid, and further, it shall be taken that the interruption of the appraisers as aforesaid be accounted for from the day of appraisement; and if any of the appraisers shall neglect or refuse to be obedient to the writ of appraisement, he shall forfeit forty shillings for each default, to be levied in such manner and form as for defaults made in court, and shall likewise be liable to an action of the case by a complaint for the damages he, she, or they shall receive or sustain for their being kept out of their right by their said neglect or refusal as aforesaid.

Heir or owner hindering appraisement to be committed till obedient.

Appraiser neglecting writ to forfeit 40s., &c.

7. That for all other commodities of the growth of this Island, viz., ginger, tobacco, cotton, and all other sorts of grain, and other commodities whatsoever, the aforesaid executors, administrators, or others representing them shall have what is growing at the decease of the tenants as aforesaid, and may be reaped, viz., ginger in thirteen months, and tobacco, cotton, and corn, and all sorts of provisions, in their proper seasons, for one crop only, and the same to be done at the whole charge and expense of the said executors or administrators.

Other growing commodities belong to executors for one crop only, and to be reaped at their expense.

8. That the houses on the said freehold shall and may be made use of by the said persons for the curing the said tobacco and ginger, and the housing the said cotton and corn, for so long a time as may be convenient, until the same may be carried away by the said executors, &c., any law, custom, or usage, to the contrary notwithstanding.

Buildings on estate for covering and housing crops may be used by executors.

9. Provided always, That if the heir, executor, or administrator, or any person representing any tenant for life or will, shall have the convenience of a work near adjoining, to reap such canes with his own cattle, cart, &c., that in such case such heir, executor, or administrator of any tenant for life or will shall have, upon application to the Chief Justice, a writ, to be directed to the Provost Marshal of this Island, commanding him to impanel a jury upon the premises to set apart, divide, or ascertain what quantity of canes are his or the person's he represents, which canes so ascertained he or they shall have full power and authority, by free egress and regress, by all convenient ways and means, and without damage, or as little as possible may be, to enter in and upon the freehold where such canes are standing, with people, carts, cattle, and horses, to cut and keep clean all such canes until they shall be grindable; and return of such partition made, under the hands and seals of such jury, within two months after the decease of such tenant for life, years, or at will, made into the Secretary's office of this Island, shall be sufficient title to them, or either of their executors, or any person representing them, and shall bar the heir unto whom the said lands and tenements are descended or fallen otherwise or devised from having further benefit by appraisement or otherwise, as it is before appointed by this Act.

Representative of deceased tenant, having work nigh, may have his quantity of canes ascertained by jury.

Return of partition in two months after tenant's decease to bar appraisement.

10. Provided always, and it is the true intent and meaning of this Act, That if the executor or administrator of any tenant for life, years, or at will, or any person representing him or them, shall omit the causing such partition in the limited time of two months before mentioned, that then the said executor or administrator, or such person representing him or them of such tenants as aforesaid, shall wholly lose the benefit and advantage of such partition, as if the foregoing proviso had never been made.

Executor not procuring partition in two months to lose the benefit.

11. That in case any person or persons, tenant or tenants for life or will, shall erect or put up any work, as mills, coppers, or stills, for the improving his in-

Work erected by tenant to be appraised

and paid for by heir
in 12 months.

terest, that all heir or heirs, or his or their representatives, shall pay the value of such mill or coppers at appraisement in twelve months, any law, custom, or usage to the contrary notwithstanding.

No. 13.

CONFIRMED 8th May
1703.
*Note Act of 20th
Feb. 1721 (No 15),
relates to body ponds.*

AN ACT for making, cleaning, and repairing Common Ponds, and making and mending Bridges on the High Roads of this Island.

[Dated 28th June 1702.]

WHEREAS Providence has blest us in all parts of this Island with ground very proper for ponds: And whereas by the experiments which have been made it is evident we may as plentifully be supplied with fresh and wholesome water as any island in the West Indies, which advantages we have been hitherto forced to neglect, by reason of our other great and continual expenses during the late war:

2. We therefore Your Majesty's most loyal and obedient subjects, his Excellency Christopher Codrington, Esquire, Captain General and Commander-in-Chief, the Council, and Assembly of this Your Majesty's Island of Antigua, humbly pray Your Sacred Majesty that it may be enacted:

Governor and Council to appoint annually five commissioners of ponds for each precinct.

3. And be it and it is hereby enacted by the authority of the same, for the welfare of the Island in general, and the more particular ease of poor settlers amongst us, That from and after the day of the date of this Act it shall be in the power of the Governor-in-Chief, Lieutenant or Deputy Governor, or President of this Island for the time being, by and with the advice and consent of the Council and Assembly, and no otherwise, once every year to nominate and appoint five knowing men as Commissioners of the Public Ponds, or Watering-places, for the precincts of Falmouth, and the like number for the precincts of St. John's, who or any three of them in their said precincts respectively are hereby authorized and empowered at all times hereafter to allot and appoint such and so many parcels of ground for the use of public ponds as by them shall be thought necessary and convenient for the common good of this Island.

Power to any three of them to allot ground for ponds.

Not more than two ponds to a division; pond and path not to exceed four acres.

Distance of ponds from common path not to be more than 10 chains.

4. Provided always, That the parcels so allotted be no more than two to a division annually, and the quantity of land in each, together with the way which leads thereto from the common paths, exceed not four acres at the most, and that the distance of the said ponds to be dug exceed not ten chains or thereabouts from the common path, to prevent the many inconveniences which may otherwise happen by the great number of horses and cattle being daily sent into the bodies of the several plantations in which the said ponds' ground may be laid out.

Commissioners to be sworn before Council and Assembly.

5. That the Commissioners, before they further enter upon execution of their said office, shall be sworn, before the Council and Assembly of this Island, faithfully to discharge their said office according to the best of their judgments and consciences, without partiality, favour, or affection to any person or persons whatsoever. [Rest of clause expired.]

6. Expired.

7. Expired.

8. And to prevent all ponds and plantations wherein the same shall be allotted and made for public use being damaged or injured by the unruliness of horses, cattle, or other stock coming to water thereat, either by the said stock running into the ponds or plantation wherein the same is made beyond the limited bounds, or otherwise, by servants that attend the same, it is hereby enacted by the au-

thority aforesaid, That the same, at the public charge of this Island, be strongly and firmly inclosed with posts and rails, and well staked and wattled athwart the said rails between each post, together with the way on each side from the common path which leads thereto, pursuant to such orders and directions as shall be given by the said Commissioners, or any three of them, respectively.

Ponds and ways to be enclosed, under Commissioners' direction.

9. And to obviate all disputes which may arise for the future concerning the said ponds and watering-places, the Commissioners aforesaid, or any three of them, shall return certificates from time to time into the register's office of this Island of all such lands taken up for the use aforesaid, where to be dug as by this Act is directed, or already dug at the charge of any private persons mentioned therein, *the particular quantities so allotted, the person's name of whom taken, the division in which it lies, the time when appropriated to the said use, and the sum or sums by them valued at*, which they the said Commissioners, or any three of them, in their several precincts aforesaid are hereby declared to have full power and authority to do, having always a regard to the situation, conveniency, or inconveniency, more or less, such land may hold in respect to the person from whom taken, as also, if already dug, the charge of digging the same may be computed at, over and above the value of the said land the said pond is made in, which certificate being so recorded, and satisfaction for the value made out of the treasury, and the inclosure with posts and rails as before recited firmly done and paid for likewise out of the public [treasury] of this Island, the said ponds and watering-places shall henceforth be, remain, and enure to public and common use for evermore.

Commissioners to return certificates of lands taken up for ponds.

Particulars to be stated.

Commissioners to regard situation in valuing land, and add charge of digging pond if already dug.

On certificate, &c. ponds to remain for ever to public use.

10. Provided always, and it is the true intent and meaning hercof, That the ponds so dug to hand be not allotted as aforesaid to public use, the possessor or owner being aggrieved, except there cannot by the said Commissioners, or any three of them, be found in the said plantation or near thereto adjoining some other parcel of land equally commodious to dig a pond in, any law, custom, or usage to the contrary notwithstanding.

Ponds dug not to be made public to aggrieve owner, except commodious ground is not to be obtained.

11. And whereas the keeping in repair the inclosures of the said ponds, and finding troughs for cattle and other stock to drink out of, at some convenient distance within the said inclosures leading thereto, will much contribute to the preservation and continuance of the said water: The respective churchwardens of the several parishes wherein the said watering-place shall be allotted and appointed, after once firmly inclosed at the common charge, are hereby obliged to keep the same constantly for ever after in good repair, and to find three large troughs for each pond, to be kept always tight and serviceable to the uses there intended, on penalty of being presented at sessions and fined, at the discretion of the court, not exceeding fifty pounds for each offence.

Churchwardens to repair inclosures and provide troughs, under penalty not exceeding 50*l*.

12. That the vestry of each parish respectively within the Island have full power and authority to raise a reasonable tax annually to support and maintain the charge of the said reparations, any law, custom, or usage to the contrary notwithstanding.

Vestries to raise annual tax for reparations.

13. And that all extravagant costs which may attend the said inclosures in maintaining and keeping them in repair, by means of persons breaking or suffering to be broke down by their stock, be prevented, it is also enacted by the aforesaid authority, That whosoever is guilty of such breach or trespass and shall not forthwith repair the same firmly, on notice given by any one of the churchwardens of the parish in which such watering-place lies, shall, on proof being first made before any justice of the peace for this Island by one witness on oath, be committed by the said justice, or any other, to the common goal of this Island until the same be made good and repaired, together with what damage shall accrue to the owner of the said plantation wherein such watering-place shall be,

Persons breaking inclosures to be committed to goal till repair of fence and reparation to owner of plantation.

by cattle or other stock trespassing therein, by means of the said breach, anything in this or any other Act to the contrary contained in anywise notwithstanding.

Sections 14 to 17 expired.

No new pond to be dug in plantation where pond is already without owner's consent.

18. And that no persons may be incommoded by having their lands taken up for the uses aforesaid more than what is of absolute necessity requirable, it is hereby further enacted by the aforesaid authority, That it shall not be in the power of any of the said Commissioners at any time hereafter to allot, or cause to be made or dug, any pond or ponds in any plantation or plantations whatsoever wherein at the same time or before is any such watering-place appropriated to public use, unless the owner or owners of such lands and plantations be thereto agreeing and consenting, anything herein or in any other Act to the contrary in anywise notwithstanding.

Recited Act since repealed.

19. And whereas "An Act for the enclearing and cleansing common Paths " and Highways in this Island," made the eighth day of April one thousand six hundred and eighty, and afterwards confirmed at Whitehall by His Majesty King Charles the Second the eighth day of February one thousand six hundred [and] eighty-one, was and is somewhat defective for want of a proper clause for providing timber for the making of bridges in the paths: Be it therefore enacted by the authority aforesaid, That the several way-wardens in this Island shall and are hereby declared to have full power and authority for the future to fell and cut down the most adjacent timber trees or underwoods which may be fitted to erect bridges or repair them on any the high roads of this Island, who giving the owner a certificate of the value thereof to the best of his or their judgment, or on oath if required by the said owner, shall be sufficient to the Treasurer for the time being to pay the same out of the common stock of this Island without any further order whatsoever.

Act.
Way-wardens empowered to cut timber for bridges;

on their certificate Treasurer to pay the value.

No. 14.

AN ACT to quiet present Possessors of Lands, to limit Actions, and avoid Suits in Law. [Dated 28th February 1718.]

See with this, Acts Nos. 7, 68, and 157.

WHEREAS upon the first settlement of this Island many persons took up great tracts of land who did not settle or improve the said lands, but departed from the same, so that the said Island was in great danger of being deserted and left uninhabited, had not the Government encouraged others to take up the said lands by giving patents, grants, and warrants for the same, which the Government thought might lawfully and reasonably be done upon the failure of such non-settlers; and many persons also for valuable considerations did make several purchases of lands and tenements within this Island, which purchasers and after-settlers as aforesaid have made considerable improvements at their great expence, both of money and time, and since the late wars with the French have been at a charge in taxes surmounting the value of the said land, and have exposed their persons upon all occasions in the defence and preservation of this His Majesty's Island, and have by their great pains and industry advanced the same and have raised the value of lands therein to a very great degree, as well as increased the revenue of the Crown: And whereas suits are daily commenced and prosecuted against such settlers and purchasers to their great disquiet, upon pretence of former ancient titles, contrary to justice: Therefore, for preserving and quieting the said purchasers and settlers in their possessions, and for preventing litigious lawsuits:

2. We Your Majesty's most loyal and obedient subjects the Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island of Antigua, humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That all manner of persons in possession of any lands or tenements within this Island, and who have quietly possessed the same for the space of five years next before the date of this Act, by virtue of any patent, warrant, grant, deed, or any other legal conveyance whatsoever duly recorded, shall and are hereby confirmed in their right and title thereunto, and are hereby declared to have good right and lawful title to the same for and during such estate or estates as he, she, or they have and are possessed of in the same, according to the purport and true intent and meaning of such patent, grant, warrant, deed, or other conveyance in writing duly recorded as aforesaid against all manner of persons, their heirs, issues, executors, administrators, and assigns, claiming the said lands or tenements in fee simple or fee tail for life or lives or years.

Act.

Quiet possession of lands for five years before Act to be sufficient title ;

and to bar future claims.

3. Except always nevertheless such persons as shall prosecute their title to such lands or tenements within three years after the date of this Act, and such persons being under age of one and twenty years, women covert, persons of non-sane memory, or beyond the seas out of this Government, or persons in prison, their heirs, executors, and administrators, as shall prosecute their title within three years after their full age, discovery, coming of sane memory, or first arrival within this Island, or enlargement out of prison.

Except against suitors in three years after Act or removal of disability.

4. Provided nevertheless, That this Act shall in nowise affect or bar any future right that may arise or accrue to His Majesty, His heirs or successors.

Act not to bar any future right of the King.

5. That if any person or persons whatsoever (other than heirs or issues in tail, or the executors, administrators, or assigns of any person having such present right as aforesaid) to whom any right or title of, in, or to any such lands, tenements, or hereditaments shall hereafter descend or come do not prosecute such right or title within three years after such right or title first accrued, fallen, or come, that then he, she, or they, and all claiming by, from, or under them or any of them, shall be for ever barred to recover the same in law or equity.

Rights hereafter descending not prosecuted in three years after accrue to be barred.

6. Excepting always such married women, persons under age, of non-sane memory, or beyond the seas out of this Island, or persons in prison, as shall prosecute their respective rights within three years next after their becoming discover, of full age, of sound memory, or arriving within this Island, or being enlarged out of prison.

Except against suitors in three years after removal of disability.

7. Provided always, That if any person or persons whatsoever now having any right or title of, in, or to any such lands and tenements, his, her, or their heirs, issues, executors, administrators, and assigns, claiming the same in fee simple or fee tail, for life, lives, or years shall and do prosecute, commence, or bring any action, suit, bill, or plaint whatsoever for the recovery of the same within the respective times herein-before limited, and shall make appear a good and lawful title to the same, then the person so making such title appear shall recover the value of the said land ; if such recovery be at common law the value to be assessed by the jury empanelled to try the said cause ; if the same shall be recovered in equity then a writ to issue to the provost marshal or his lawful deputy under the great seal of these Islands or the private seal of the Commander-in-Chief for the time being, commanding him or them to empanel a jury of twelve freeholders of this Island upon oath (which the provost marshal or his lawful deputy are hereby empowered to administer) to value the said lands, for which sum so valued and assessed a decree shall be given, and for

Respecting rights existing when Act passed, suitors in times limited making out title to recover value of land.

At law, to be assessed by jury trying cause ; in equity, by jury purposely empanelled.

Decree to be for value only, not for the lands.

If future rights prosecuted according to the limitations, the lands to be recovered.

Jury to regard circumstances in clause in valuing land.

Recital.

Act.
Purchasers of land from treasurer or churchwardens, under former laws, confirmed.

Act not to affect title where suit depending.

Limitation of actions.
Vide Acts No. 68, s. 1, No. 157, ss. 2, 45, & 46.

On the case for debt, trespass, &c. in three years.

Assault, &c. two years.

no more, nor shall any judgment or decree pass for the said lands and tenements themselves in the cases aforesaid.

8. Except only where future rights shall hereafter fall and be prosecuted within the times herein-before expressed, in which cases the lands, tenements, and hereditaments themselves are to be recovered.

9. Provided always, That the jury in the before-mentioned cases do value the said lands and tenements with respect to the *place where the same is situated* and the *time when the person or persons under whom the present possessors now claim first derived their title to the same*, and with respect to the *estate the person or persons, plaintiff or plaintiffs, defendant or defendants, shall appear to have on such trial*, any law, usage, or custom to the contrary in anywise notwithstanding.

10. And whereas several persons have purchased of former treasurers and churchwardens of this Island several parcels of lands which have been sold for the public and parochial taxes which have been from time to time assessed and laid on such lands pursuant to the laws of this Island then in force, and have paid valuable considerations for the same, and due entry made thereof in the books of the said treasurers or churchwardens, yet, through the neglect or omission of such purchasers, treasurers, and churchwardens, no deeds of sale or conveyance in law are to be found on record for the same, nor have several other circumstances been observed according to the direction of the said Acts in that case made and provided:

11. Be it therefore enacted by the authority aforesaid, That all person or persons whatsoever having purchased such lands and tenements of any treasurers or churchwardens within this Island, being empowered to sell the same by virtue of the Acts aforesaid for nonpayment of any dues, taxes, or assessments, and due entries made thereof in the books of the said treasurers or churchwardens, are hereby declared lawfully and rightfully entitled to the same and confirmed in the possession thereof to them and their heirs for ever to all intents and purposes whatsoever as though they had sufficient deeds and conveyances duly recorded for the same, and that all other circumstances and ways required by the before-mentioned Acts had been observed, executed, and performed.

12. Provided, That nothing contained in foregoing clause or any other part of this Act shall be construed to affect, impeach, or prejudice any title to any lands or tenements whatsoever for which any suits in law or equity have been commenced and are now depending in the courts of common law or equity in this Island.

13. That all actions of trespass *quare clausum fregit*, all actions of trespass, detainue, actions of trover and replevin for taking away goods and cattle, all actions of account and upon the case (other than such accounts as concern the trade of merchandises between merchant and merchant, their factors or servants), all actions of debt for arrearages of rent, and all actions of debt grounded upon any lending or contract without specialty, all actions of assault, menace, battery, wounding, or imprisonment, or any of them, which shall be sued or brought at any time after the day of the date hereof shall be commenced and sued within the time and limitation hereafter expressed, and not after; that is to say, the said actions upon the case (other than for slander), and the said actions for trespass, debt, detainue, and replevin for goods and cattle, and the said actions for trespass *quare clausum fregit* within three years next after the day of the date hereof, or within three years next after the cause of such action or suit and not after; and the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within two years next ensuing the day of the date hereof, or within two years next after the cause of such action or suit, and not

after, and the said action upon the case for words within one year after the day of the date hereof, or within one year next after the words spoken, and not after.

On the case for words spoken, one year.

14. And nevertheless be it enacted, That if in any of the said actions or suits judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment, the judgment being given against the plaintiff, that he take nothing by his plaint, writ, or bill, or if any of the said actions shall be brought by original and the defendant therein be outlawed, and shall after reverse the outlawry, that in all such cases the party plaintiff, his heirs, executors, or administrators, as the cause shall require, may commence a new action or suit from time to time within a year after such judgment reversed or such judgment given against the plaintiff, or outlawry reversed, and not after.

On reversal, arrest of judgment, or outlawry, new action may be commenced in a year.

15. That in all actions of trespass *quare clausum fregit* hereafter to be brought wherein the defendant or defendants shall disclaim in his or their plea to make any title or claim to the land in which the trespass is by the declaration supposed to be done, and the trespass be by negligence or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, or that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, whereupon or upon some of them the plaintiff or plaintiffs shall be forced to join issue, and if the said issue shall be found for the defendant or defendants, or the plaintiff or plaintiffs shall be non-suited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions and all other suits concerning the same.

Plea disclaiming trespass as involuntary, and previous tender of sufficient amends, to bar action.

16. And be it further enacted by the authority aforesaid, That in all actions upon the case for slanderous words to be sued or prosecuted by any person or persons in any of the courts of record in this Island or in any courts whatsoever that have power to hold plea of the same after the day of the date hereof, if the jury upon the trial of the issue in such action or the jury that shall inquire of the damages do find and assess the damage under forty shillings, then the plaintiff or plaintiffs in such action shall have and recover only so much costs as the damages so given or assessed amount unto without any further increase of the same, any law, statute, custom, or usage to the contrary in anywise notwithstanding.

In actions of slander, damages under 40s. not to carry higher costs.
21 Jac. 1. c. 16. s. 6.

17. Provided nevertheless, and be it further enacted, That if any person or persons that is or shall be entitled to any such action of trespass, detinuc, actions sur-trover, replevin, actions of accounts, actions of debts, actions of trespass for assault, menace, battery, wounding, or imprisonment, actions upon the case for words, be or shall be at the time of any such cause of action given or accrued fallen or come within the age of twenty-one years, feme covert, *non compos mentis*, in prison, or beyond the seas, that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as are before limited after their coming to or being of full age, discover, or sane memory, at large, and returned from beyond seas into any part of this Island, as other persons having no such impediment should have done.

Persons under legal disability may bring actions within the times in sect. 13, after disability removed.

No. 15.

AN ACT for the Preservation of the Body Ponds and making them public Ponds.
[Dated 20th February 1721.]

INASMUCH as in the times of extreme drought when other ponds and fresh waters have been dried up the aforesaid ponds called "The Body Ponds"

Recital.

have afforded fresh and wholesome waters and have been the support of the inhabitants and cattle, yet some persons of late, regarding more their own private (though trifling) profit than our public good, have cut down the trees and bushes which grew by the sides of the said ponds and kept the waters fresh and cool, so that being exposed to the heat and exhalation of the sun the waters are not only rendered much worse, but are in great danger of being dried up, besides the said ponds are much choked with branches and lopping of trees fallen into the same, through the carelessness of such as have cleared round them :

2. For the preservation therefore of the said ponds called "The Body Ponds," we Your Majesty's most loyal and obedient subjects the Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island Antigua, humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said ponds called "The Body Ponds" are and shall be public ponds to all intents and purposes whatsoever, and shall be visited, cleansed, enlarged, and preserved by the Commissioners and inhabitants as other public ponds are in their respective precincts and divisions.

3. That as soon as conveniently may be the Governor-in-Chief of these Islands, or in his absence from the Island the Lieutenant Governor or President of the Council of this Island, shall issue a precept under his hand and private seal, directed to the Provost Marshal of this Island or his lawful deputy, to summon a jury or juries from time to time to lay out convenient paths leading from the high roads of this Island to the said ponds as may be most convenient for the inhabitants of this Island, and with as little detriment as may be to any person through whose grounds the same paths shall run ; and the Provost Marshal or his deputy, at the running out of the said paths shall take one or more sworn surveyors and shall make a due return under the hands and seals of the jurors of the paths so run out, which shall be filed both in the Register's and Secretary's offices of this Island, and the same paths so run out shall be public paths, and all charges relating to the running out of the said paths and filing the same return shall be borne by the public of this Island.

4. That all that part of the fresh-water gut beginning between part of the lands in the possession of Main Swete, Esquire, and the lands of Edward Ragg, in the divisions of St. John's and Falmouth, and extending from thence in the common channel to the lands now in the possession of the Honourable Edward Warner, Esquire, John Sampson, Esquire, and John Tomlinson, senior, Esquire, where the third or little pond empties into the gut again, shall be esteemed the Body Ponds only.

5. And if any owner or occupier of any of the soil lying on either side of any of the said ponds shall cause, permit, or suffer any tree or trees whatsoever (whether timber trees or not) or any large underwood whatsoever growing or that shall grow within thirty feet of the water side of the same ponds or either of them, either as they now are or shall hereafter be enlarged, to be cut, fallen, or burnt down, then the owner or occupier of the same lands causing or willingly or wittingly permitting the same shall be indicted and fined before the justices of the peace in their sessions, or justices of oyer and terminer and gaol delivery within this Island ; and if such cutting, falling, or burning down be without or against the consent of the owner or occupier of such lands, then the offender being discovered in three months by the owner or occupier aforesaid, or by his or her means or otherwise, and duly prosecuted with all convenient

Act.

Body ponds to be public under Pond Commissioners.
See their number and powers in Act of 28th June 1702 (No. 13), s. 3 to s. 13, and s. 7, of this Act.

Marshal, under Governor's precept, to summon jury to lay out convenient paths from highways to ponds.

One or more surveyors to assist jurors.
Return to be filed.

Charges borne by the public.

Part of fresh-water gut described in clause the Body Ponds.

Owner or occupier cutting trees or underwood within 30 feet of said ponds liable to indictment and fine.

Stranger so cutting trees liable to same punishment.

speed, shall be indicted and fined as aforesaid, but in default of such discovery If offender not prosecuted by owner, &c. to be deemed offender.

6. That any person who shall think himself aggrieved or suffer any loss of ground or timber by reason of this Act, either by being hindered in using any land or falling any timber as being contiguous to the said ponds, or by having any lands taken up for paths, such persons shall be recompensed out of the public treasury of this Island, such damage being first ascertained and viewed by virtue of any warrant from any magistrate directed to two or more freeholders after appraisement by two freeholders to appraise the same on oath and the return on oath of any two such appraisers made under their hands pursuant to such warrant.

7. That the Commissioners of the Public Ponds in the precincts of St. John's shall have power to enlarge the said ponds called "The Body Ponds," and to plant trees as they shall see necessary about the same, and also to cut down any tree or trees or underwood whatsoever for making convenient watering-places about the same ponds called "The Body Ponds," or either of them, or for other necessities or conveniences about the same, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners for St. John's precincts, may enlarge Body Ponds, and fall trees to form watering places, &c.

No. 16.

AN ACT against deceitful, excessive, and disorderly Gaming.

[Dated 2nd December 1723.]

9 Ann. c. 14.

WHEREAS all lawful games and exercises should not be otherwise used than as innocent and moderate recreations, and not as constant trades and callings to gain a living, or make unlawful advantage thereby: And whereas by a late immoderate use of them in this Island many mischiefs and inconveniences have arisen and do daily happen, to the maintaining and encouraging of sundry idle, loose, and disorderly persons in their dishonest, lewd, and dissolute course of life, and to the circumventing, deceiving, cosening, and debauching of many of the younger sort (particularly young traders entrusted with cargoes and effects belonging to others), to the loss of their precious time and the utter ruin of their estates and fortunes, and withdrawing them from honest and laudable employments and exercises:

Preamble.

Vide Acts No. 117, s. 2, No. 138, ss. 4, 5.

2. We Your Majesty's most loyal, dutiful, and obedient subjects the Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That if any person or persons whatsoever within this Island or the Islands thereto adjacent and belonging shall, after the day of the date of this Act, at any time or times, by any fraud, shift, cosenage, circumvention, deceit, or unlawful device or ill-practice whatsoever in playing at or with cards, dice, billiards, tables, tennis, bowls, skittles, shovel-board, nine-pins, or in or by cock fighting, horse races, dog matches, or foot races, or other pastime, game or games whatsoever, or in or by bearing a share or part in the stakes, wagers, or adventures, or in or by betting on the sides or hands of such as do or shall play, act, ride, or run as aforesaid, win, obtain, or acquire to him or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever, that then every person or persons so offending as aforesaid shall forfeit and lose treble the sum or value of money or other thing or things so won, gained, obtained, or

Act.
Player winning by fraud;

or better, winning by collusion;

to forfeit treble value.

Forfeiture to go half to treasury towards fortifications, and half to loser if loser prosecute in six calendar months, otherwise to any prosecutor in a year after six months expired.

Winner of more than 7*l.* ready money at one sitting, or within 24 hours from beginning play, to forfeit treble the value of whole winning.

Forfeiture to go half to Treasury towards fortifications, and half to loser, if loser prosecute in six calendar months, otherwise to any prosecutor in a year after six months expired.

Loser on credit of more than 7*l.* at one sitting, or within 24 hours from beginning play, not compellable to pay excess; securities void.

Winner on credit of more than 7*l.* to forfeit treble the value of excess.

acquired; the one moiety thereof to our Sovereign Lord the King, His heirs and successors, to be paid into the public treasury of this Island, and to be employed towards the building and repairing the forts and fortifications of the same, and the other moiety thereof unto the person or persons grieved or who shall lose the money or other thing or things so gained, so as every such loser, or person grieved in that behalf, do or shall prosecute for the same within six calendar months next after such play, and in default of such prosecution the same other moiety to such person or persons as shall or will prosecute for the same within one year next after the said six months expired: And for the better preventing all excessive and immoderate gaming and playing for the time to come:

3. Be it further enacted and ordained by the authority aforesaid, That if any person or persons whatsoever within this Island or the Islands thereto adjacent and belonging shall or do, after the date of this Act, play at any of the said games, or any other pastime, game, or games whatsoever, for ready money or any other valuable thing ready down, or shall bet or wager on the sides or hands of those that do play, or upon any particular chance or occurrence of the game or play then going, any ready money or valuable thing ready down, and shall win, obtain, or acquire, in ready monies or other valuable thing ready down, to above the value of the sum of seven pounds lawful money of this Island at one sitting or playing, or within the space or time of twenty-four hours from the first beginning of such play, that then the person so winning, obtaining, or acquiring above the said sum of seven pounds lawful money of this Island shall lose and forfeit treble the value of all the whole monies or other valuable things so won, obtained, or acquired, the one moiety thereof to our Sovereign Lord the King, His heirs and successors, to be paid into the public treasury of this Island, and to be employed towards the building and repairing the forts and fortifications of the same, and the other moiety thereof to the party grieved or who shall lose the money or other things so gained, so as every such loser or person grieved in that behalf do or shall prosecute for the same within six calendar months next after such play, and in default of such prosecution the same other moiety to such persons as shall or will prosecute or sue for the same within one year next after the said six months expired.

4. That if any person or persons whatsoever within this Island or any of the Islands thereto adjacent and belonging shall, after the date of this Act, play at any of the said games, or any other pastime, game, or games whatsoever, or shall bet or wager on the sides or hands of such as do play, or upon any particular chance or occurrence of the game or play then going, and shall lose any sum or sums of money, or any other valuable thing or things so played for, exceeding the sum of seven pounds lawful money of Antigua, at any one time or meeting, or within the space of twenty-four hours from the beginning of such play, upon ticket, credit, or otherwise, and shall not pay down the same at the time when he or they shall lose the same, the party and parties who loseth or shall lose the same monies or other things so played, or to be played, betted, or wagered for above the said sum of seven pounds lawful money of Antigua shall not in that case be bound or compelled to pay or make good the same, but the contract and contracts for the same, and for every part thereof, and all and singular judgments, statutes, recognizances, mortgages, conveyances, assurances, bonds, bills, specialties, promises, covenants, agreements, and other acts, deeds, and securities whatsoever which shall be obtained, made, given, acknowledged, or entered into for security or satisfaction of or for the same, or any part thereof, shall be utterly void and of none effect; and that the person or persons so winning the said monies or other things shall forfeit and lose treble the value of all such sum and sums of money, or other valuable thing or things, which he shall

so win, gain, obtain, or acquire above the said sum of seven pounds lawful money of the said Island of Antigua, the one moiety thereof to our Sovereign Lord the King, His heirs and successors, to be paid into the public treasury of this Island to be employed towards the building and repairing the forts and fortifications of the same, and the other moiety thereof to the person or persons grieved or losing the same, so as every such loser and person grieved in that behalf do prosecute and sue for the same within six calendar months next after such play, and in default of such prosecution the same other moiety to such persons as shall or will prosecute for the same within one year next after the said six months expired.

Forfeitures to go half to Treasury towards fortifications, and half to loser, if loser prosecute in six months ;

otherwise to any prosecutor in a year after six months expired.

5. That all and every forfeitures given by this Act shall and may be sued for or prosecuted and recovered by action, suit, bill, plaint, or information in the Courts of King's Bench and Common Pleas or Court of Exchequer held for this Island, or before justices of oyer and terminer, or justices of peace in their sessions in this Island, and the informer or prosecutor shall in every action, suit, bill, plaint, or information recover treble costs of suit against the person offending and forfeiting in any the cases aforesaid ; and also that in any action, prosecution, or suit whatsoever to be brought against any person or persons whatsoever upon any judgment, statute, recognizance, mortgage, conveyance, assurance, bond, bill, specialty, promise, covenant, agreement, or other act or deed or security whatsoever to be obtained, made, given, acknowledged, or entered into for security or satisfaction of or for any monies or other valuable things to be lost on credit, ticket, or otherwise as aforesaid, exceeding the said sum of seven pounds lawful money of Antigua, contrary to the meaning of this Act, the person or persons so prosecuted or sued shall and may plead the general issue and give this Act in evidence, and the same shall be allowed in all courts whatsoever within this Island, and judges, justices, and juries are to take notice thereof accordingly, and if a verdict go against the plaintiff or plaintiffs (not being executors or administrators), or he or they be nonsuit or discontinue the action, suit, or prosecution, he or they shall pay treble costs ; and this Act shall be deemed and taken and is hereby declared to be a General Act.

Forfeitures recoverable by action or information.

Prosecutor to recover treble costs. Persons sued on security for more than 7*l*. lost at play may give Act in evidence,

and plead general issue.

Plaintiff non-suited, &c. to pay treble costs.

Act a General Act.

No. 17.

An ACT to invest certain Lands in His Majesty, His Heirs and Successors, for the Use of His Majesty's Ships of War. [Dated 25th September 1725.]

WHEREAS pursuant to and by virtue of an Act of this Island bearing date the twenty-fourth day of December in the year of our Lord God one thousand seven hundred, intitled " An Act for the further promoting the Number of the " Inhabitants of this Island, and more particularly encouraging the King's Soldiers " now to be disbanded to continue therein, by enabling them to become Settlers " amongst us," there were granted by the Commander-in-Chief, Council, and Assembly of this Island unto Joseph Green ten acres of land lying in the division of Falmouth in this Island, bounded to the north with the land of Colonel Edward Warner, to the south with the land formerly of Pentecost Kerby, but lately in the possession of John Blunden, east with the land of Henry Nanton and Charles Pritchett, deceased, and west with English Harbour, as by the petition of the said Joseph Green, and the grant thereon dated the fourteenth day of September one thousand seven hundred and eighteen, duly recorded may appear :

Preamble.

Recites grant of lands to Joseph Green ;

2. And whereas also by virtue of the same recited Act there were formerly granted in like manner to William Greatrix other ten acres of land in the

and to William Greatrix ;

division of Falmouth aforesaid, being butted and bounded as follows: viz., beginning at a loblolly tree and running thence west nine chains eighty-four links, thence round the point to a loblolly tree at the head of the swamp, and thence to the first station, bounded to the east with land now or late of Richard Soanes, south with the land now or late of William Anderton, to the north with the land now or late of Pentecost Kerby, and to the west with the sea, as by the petition of the said William Greatrix, the grant thereon, and the surveyor's return dated the tenth day of March one thousand seven hundred and eighteen and duly recorded, may appear:

and that said lands, by non-settlement and desertion, had re-invested in the Crown, and that it had been represented by naval officers that such lands would improve English Harbour, if appropriated to public uses.

3. And whereas by virtue of the afore-recited Act the said two parcels of land are forfeited by the non-settlement and desertion of the said grantees, and are re-invested in the Crown to the use and intent to be granted away again to poor settlers in parcels of ten acres of land, but inasmuch as it hath been represented to us by Captain Francis Cooper, commander of His Majesty's ship *Lynn*, and by Captain Arthur Del Garno, commander of His Majesty's ship *Southsea Castle*, that the harbour called English Harbour in this Island wherein the said ships are now careening is a place very commodious and proper for careening and refitting His Majesty's ships of war appointed for the stations of Barbadoes and these Islands, and safely preserving them from the danger of tempests and hurricanes, and that the before-mentioned pieces of land lie very conveniently for building of wharfs, magazines, and stores, and will afford brushwood for the burning ships bottoms and furnishing firewood, and that much charge might be saved to the Crown if the lands aforesaid were appropriated for the use of His Majesty's ships of war by preventing the trouble of going to the northern colonies as has been usual for careening and fitting, and to preserve themselves from tempests and hurricanes, which was not only an expence to the Crown, but the trade here during the absence of the ships of war was exposed to the dangers of pirates in peace and privateers in time of war:

4. All which being considered, we Your Majesty's most dutiful, loyal, and obedient subjects the Governor-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Sacred Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the herein-before mentioned and described two parcels of land containing each ten acres or thereabouts shall be and are hereby vested and estated in His Majesty, His heirs and successors, for ever, to be employed and used for careening and fitting such ships of war belonging to the Crown of Great Britain as shall from time to time come into the said harbour called English Harbour, any law, grant, or gift thereof by the public heretofore made to the contrary notwithstanding.

No. 18.

AN ACT for appropriating certain Lands adjoining to James Fort for the Use of the Gunners and Matrosses belonging to the said Fort, and for other public Uses. [Dated 8th December 1730.]

Preamble.
Recites grant of land to Colonel Vaughan;

WHEREAS Colonel James Vaughan, late of the said Island, deceased, did by a certain deed or instrument of writing under his hand and seal, bearing date the twelfth day of October in the year of our Lord God one thousand six hundred and eighty, and duly recorded in the Register's Office of the said Island, grant unto His Majesty, His heirs and successors, a certain point or promontory of land commonly called or known by the name of Saint John's Point, containing

twenty-five acres, bounded northerly with the land then of the said James Vaughan, southerly, easterly, and westerly with the sea and Saint John's harbour:

2. And whereas the said land was intended for building a fort and for the support of matrosses and others living therein, although no such uses are declared in the said deed, and a fort hath accordingly been built on part of the said land, and now called James Fort, and the said land hath been found very convenient and necessary for the uses aforesaid:

And that James Fort had been built on said land.

3. We therefore Your Majesty's most loyal, dutiful, and obedient subjects the Commander-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said lands shall be and are hereby declared to be for the use of the said fort and for the gunners and matrosses belonging to the same, excepting such part thereof as shall hereafter be thought necessary to be built on for the enlargement of the said fort, or for magazines or hospitals, or other public uses, to be appointed and declared by the Commander-in-Chief, Council, and Assembly of this Island for the time being.

Act.
Said land to be for the use of said fort, &c. except such part as should be after applied by authority to other public purposes.

No. 19.

AN ACT for building a Platform and Cisterns or Reservoirs of Water at English Harbour in this Island for the Use of His Majesty's Ships of War.
[Dated 8th February 1733.]

WHEREAS English Harbour in this Island is by nature a port of the utmost safety and security for His Majesty's ships against violent storms and tempests, and at the same time a most convenient and commodious place for refitting and cleaning any number of ships that His Majesty may think fit to send to these his American plantations, either for the protecting them or annoying his enemies in these parts, the which being taken into consideration by the Legislature of this Island, they, out of duty to His Majesty and regard to their country, have, at very great charge and expense to the public of this Island, caused a wharf to be built at the said harbour for the use of His Majesty's ships and erected a fort at the entrance of the harbour to defend the same, of which His Majesty in his great wisdom hath already so far approved that he has at his own charge been graciously pleased to cause storehouses to be built there, and withal to supply us with cannon and several stores of war for the use of the said fort, for which, as well as the rest of his tender and paternal care of us his distant and remote subjects, we the Governor-in-Chief of these his Leeward Caribbee Islands in America, and the Council and Assembly of Antigua (with hearts of unshaken duty and loyalty) do humbly beg leave to return our most unfeigned and hearty thanks:

Preamble.

2. And to the end that nothing on our parts may be wanting which may tend to render the said harbour completely convenient for the good purposes aforesaid, we His Majesty's most dutiful and loyal subjects the Governor-in-Chief of His aforesaid Leeward Caribbee Islands, and the Council and Assembly of Antigua, do humbly pray His most Sacred Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority aforesaid, That there shall be forthwith erected and built at the aforesaid port of English Harbour two good cisterns or reservoirs for water, of forty feet in length, ten in breadth, and

Act.
Two cisterns and platform to be erected at English Harbour

of dimensions in
clause.

ten in depth, in the clear and within the walls, and to be arched with brick, as also a good and convenient platform of one hundred feet square for conveying water into them, and that the same shall be vested in His Majesty, His heirs and successors for ever, in order to furnish his ships of war with good and wholesome water, and to no other use, intent, or purpose whatsoever.

Sections 3 to 6 expired.

Committee con-
stituted.

7. And whereas it is at present somewhat difficult to contrive what method will be best to be taken for purchasing of necessaries and materials for building the said cisterns and platform: Be it therefore enacted and ordained by the authority aforesaid, That Thomas Kirby, John Burke, Jacob Thibou, Richard Oliver, and Edward Chester, of this Island, esquires, or in case of their death or absence such other members of the Assembly of Antigua as shall be named in their steads by the Speaker, shall be a standing committee for viewing and inspecting the said work, hiring or impressing workmen, purchasing of necessaries, taking up of land proper and convenient for the said cisterns and platform, and doing everything else that may be requisite and convenient for the completing and finishing the said work, and to issue all necessary orders and directions to be followed by the said Commissioner and the overseers hereafter mentioned, and that an order to the treasurer, under the hands of them or any three of them, for buying anything necessary for carrying on the same work, or for payment of the workmen, land, or necessaries so bought or taken up for the use of the said cisterns and platform, shall be a sufficient authority to the treasurer for the same, and he is hereby required duly to answer and discharge the said orders out of the public treasury of this Island.

Sections 8 to 10 expired.

On dispute respecting
value of land, Com-
mittee to direct
appraisement.

11. And in case any dispute shall arise about the value of land to be taken up for building of the aforesaid cisterns and platform, the said committee, or any three of them, by warrant under their hands and seals directed to three indifferent persons shall cause the said land to be valued upon oath, which shall be administered to them by the said committee, or one of them, and after the appraisers have made their appraisement the said committee, or three of them, shall give an order to the treasurer for payment thereof, and then the said land shall vest in His Majesty, His heirs and successors for ever, for the use and purposes aforesaid.

Committee to certify
to register quantity
of land taken up, and
from whom.

12. And to the end it may always be known what quantity of land is taken up for the said use, and from whom the said committee, or three of them at least, are hereby required to give a certificate thereof under their hands to the register of this Island, the which he is to enter and record in his office amongst the records relating to lands.

No. 20.

AN ACT to reduce and settle the Rate of Interest within this Island.

[Dated 1st June 1738.]

Preamble.

WHEREAS the rate of interest is not settled within this Island by any law of this Island, nor are the statutes of Great Britain made for reducing or settling interest or preventing excessive usury within that kingdom accepted or deemed of force within this Island, but the usual and allowed interest has been commonly within this Island at the rate of ten per centum per annum, which though it might be tolerable when this Island first began to be settled and for many years after, while the lands were fertile and the merchantable commodities of the

growth thereof bore greater prices than they now do, yet experience daily shows that as our lands are impoverished and our produce much declined in value, the high rate of ten per centum per annum for interest is not supportable nor to be answered by the produce of our lands, which encourages usury and utterly discourages the cultivation and improvement of land, by which means the revenue of the Crown has been and will be lessened, and so great indeed are the profits and advantages arising from this rate of interest that persons decline employing their money in trade and rather put it out to use, and that generally upon land security, so that great tracts of land which heretofore supported many inhabitants are now engrossed into much fewer hands have been sold at great undervalues, and our Island is weakened by the desertion of many of its inhabitants who have been sunk under the oppression of exorbitant interest, and it is a misfortune too visible amongst us that where many creditable families have subsisted now only an overseer or servant is to be found, so that we are not only weakened with respect to the number of white inhabitants but of those who have left many of their livelihoods depending upon the wills of their employers; without a landed interest of their own they are not under the same ties to engage in the defence of our country as those who have fixed estates in lands; all which evils and many others this Island now labours under (chiefly from the cause of exorbitant interest) are daily growing upon us, and will be in the end the unsettling and dispeopling of it:

2. To the end therefore that planting and agriculture, trade and commerce, labour and industry may be encouraged, and the growth and ill consequences of excessive usury be prevented, and that we may as agreeable to our circumstances follow the steps of our mother country, whose lands are become valuable and whose trade is encouraged by a reduction of their interest by law to five per cent.

3. We Your Majesty's most dutiful, loyal, and obedient subjects the Governor-in-Chief for the time being of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it enacted, and it is hereby enacted and ordained by the authority aforesaid, That no person or persons whatsoever from and after the first day of October which shall be in the year of our Lord one thousand seven hundred thirty and eight, upon any contract which shall be made from and after the first same day of October in the last-mentioned year, take, directly or indirectly, for loan of any money, wares, merchandizes, or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever made after the time aforesaid for payment of any principal or money to be lent, or covenanted to be performed, upon or for any usury whereupon or whereby there shall be reserved or taken above the rate of six pounds in the hundred as aforesaid shall be utterly void; and that all and every person or persons whatsoever which shall, after the time aforesaid, upon any contract to be made after the said first day of October take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevizance, shift, or interest of any wares, merchandizes, or other thing or things whatsoever, or by any deceitful way or means, or by any coin, engine, or deceitful conveyance for the forbearing or giving day of payment for one whole year of and for their money or other thing above the sum of six pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence the treble value of the

Act.
After 1st Oct. 1738,
no person to take
higher interest than
6l. per cent.

If higher interest
reserved, securities
void.

Persons taking
higher interest to
forfeit treble value of
monies lent.

monies, wares, merchandizes, and other things so lent, bargained, exchanged, or shifted.

Solicitors taking above 5s. per cent. brokerage for negotiating loans, &c.

to forfeit 30l. with costs, and suffer half year's imprisonment.

Forfeitures to go, half to prosecutor, and half to Treasury towards fortifications.

Recoverable by action or information.

No dilatory plea.

Recited Act expired.

See Act of 21st Jan. 1791 (No. 33), s. 31.

Limitation of actions for penalties in ss. 3 and 4.

Private person to sue in one year after offence.

King to sue in two years after one year ended.

In last case whole penalty to go to public treasury.

Act not to operate till 1st Oct. 1738.

4. That all and every scrivener and scriveners, broker and brokers, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the said first day of October take or receive, directly or indirectly, any sum or sums of money or other reward or thing for brokerage, soliciting, driving, or procuring the loan or forbearing of any sum or sums of money, over and above the rate or value of five shillings for the loan or forbearing of one hundred pounds for a year, and so rateably, or above three shillings current money of this Island, for making or renewing of the bond or bill for loan or forbearing thereof, or for any counter-bond or bill concerning the same, shall forfeit for every such offence thirty pounds current money of this Island, with costs of suit, and suffer imprisonment for half a year; and one moiety of all the aforesaid forfeitures to be to the prosecutor, the other to the King's most Excellent Majesty, His heirs and successors, to be paid into the hands of the treasurer of this Island for the time being, to be employed towards building and repairing the forts and fortifications of this Island, to be recovered in the Court of King's Bench and Common Pleas or Exchequer to be held for this Island or before justices of the peace in their sessions, or before justices of oyer and terminer or justices of gaol delivery within this Island, by action of debt, bill, plaint, or information, in which no essoign, wager of law, or protection shall be allowed.

5. *Provided always, That nothing in this Act contained shall be construed or extended to repeal or make void a clause in a certain Act of this Island, intituled "An Act for establishing a Court of King's Bench, Common Pleas, and Errors, " for the better regulating and settling due Methods for the Administration of " Justice, and limiting a Time for issuing Execution out of the Court of Chancery " in this Island," dated the twentieth day of February one thousand seven hundred and twenty-one, by which it is enacted that where any bill or bills of exchange hath been or shall be returned legally protested in Great Britain or elsewhere, to the prejudice of any merchant, trader, or other persons in this Island, it shall and may be lawful to and for any person so aggrieved or damaged thereby to commence any action upon the case against the drawer or indorser of such bill or bills of exchange, and shall recover upon such action interest of ten pounds per centum per annum on the same besides the principal money, and also damages after the rate of ten pounds per centum, the interest to be computed from the day of the protest of the said bill until the same shall be recovered or satisfied, but the same clause to continue in force as long as the Act wherein it is contained shall remain of force.*

6. Provided always, that all and every bill, plaints, or informations which shall hereafter be sued, commenced, or brought for or by means of the forfeiture of treble value, or of the penalty of thirty pounds aforesaid, given by this Act against any person or persons, the same bill, plaint, or information shall be commenced and prosecuted by the person or persons who will sue or prosecute for the same within one year next after the offence committed and not after; and in default of such pursuit that then the same shall be had, sued, exhibited, or brought for the King's Majesty, His heirs or successors, at any time within two years after that year ended and not after, and in such last case the whole penalties recovered to be paid into the hands of the Treasurer of this Island for the time being, to be applied to the building and repairing the forts and fortifications of this Island, and other public uses of this Island.

7. Provided also, that nothing in this Act contained shall extend or be construed to extend to reduce or lessen the interest payable on any legacy or legacies which is, are, or shall be borne due before the first day of October next, but all persons to whom such legacy or legacies is, are, or shall be due shall and

may receive and take interest thereon as though this Act had never been made, anything therein contained to the contrary notwithstanding, or any way to affect any bill, bond, contract, or assurance whatsoever which is or shall be made before the said first day of October.

No. 21.

AN ACT to invest a certain Tract of Land at English Harbour belonging to Thomas Bodkin, of the Kingdom of Ireland, in His Majesty, His Heirs and Successors, for certain public Uses, and for appraising and valuing the same and paying the Owner thereof. Vide Acts Nos. 17 and 19.
[Dated 23d January 1743.]

WHEREAS the wharf, stores, magazines, cisterns, and other buildings at English Harbour for the careening, fitting, and preserving His Majesty's ships of war have been very advantageous to the Leeward Islands, and more particularly to this His Majesty's Island Antigua: Preamble.
Advantages of wharf, &c. at English Harbour.

2. And whereas His most Sacred Majesty hath been graciously pleased to order the building of another wharf, stores, and other conveniences at the said harbour for the more convenient careening and repairing His said ships of war, which will be of very great advantage to the trade to the Leeward Islands and will be a means to deter our enemies from attempting to invade this Island: Order for building another wharf.

3. And whereas it appears to us that there is a tract of land adjoining on the said harbour, and near the place where the said wharf is intended to be built, which will be very convenient for building of storehouses and other houses for His Majesty's use and for fixing some poor white persons on, as herein-after directed, which land belongs to one Thomas Bodkin formerly of this Island, but now of the kingdom of Ireland, and is bounded east by the said harbour, south by the sea, west by the land of John Taylor and land late of William Bawn, north by the land late of Thomas Nanton, or however otherwise butted and bounded: Tract belonging to Thomas Bodkin proper for the purpose.
Its boundaries.

4. We therefore Your Majesty's most dutiful, loyal, and obedient subjects the Captain General and Governor-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua most humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That as soon as a just and conscionable value shall be settled on the said tract of land as herein-after directed, that then and for ever after the same shall belong to His Majesty, His heirs and successors (any gift, grant, or conveyance thereof to the contrary notwithstanding), for the purposes herein-after mentioned. Act.
Said tract, after valuation as in s. 5, 6, to be vested in His Majesty.

5. And for the equitable adjusting and settling the value to be paid the owner or proprietor of the said land, be it and it is hereby enacted and ordained by the authority aforesaid, That within ten days after the publication of this Act four honest, substantial, and indifferent freeholders of this Island, two whereof to be nominated by the Treasurer of this Island and two by the owner or proprietor of the said land, and in case of his absence from this Island then the said two appraisers to be nominated by the attorney or attornies of the said owner or proprietor, after being sworn by the said Treasurer (which he is hereby empowered to do) well and truly to value and appraise the said land according to the Said land to be valued by four freeholders.

Return of valuation to treasurer, warrant for payment. Owner not appointing appraisers, treasurer to do it.

best of their judgments and consciences, shall value and appraise the same, and shall make return thereof under their hands and seals unto the Treasurer within fourteen days after their being so nominated and sworn, which return so made shall be unto the Treasurer a sufficient warrant and authority to pay the said sum or sums unto the person or persons entitled to receive the same; and if the owner or proprietor of the said land or the attornies or attorney of the said owner or proprietor shall refuse or neglect to nominate and appoint two freeholders as aforesaid, that then it shall and may be lawful for the said treasurer within ten days after the expiration of the said forty days to nominate and appoint the whole four appraisers, whose appraisement and return shall be as conclusive and binding as if the same appraisers had been nominated and appointed as before directed.

If appraisers disagree, umpire to be appointed.

6. That if the four appraisers cannot agree in the appraisement they are hereby authorized and required to choose an umpire, and in case they cannot agree in the election of an umpire within two days after the expiration of the fourteen days appointed for the making their return the Treasurer shall appoint one, and the return of the said umpire so elected, to be made under his hand and seal within fourteen days after such election, shall be as good and valid to all intents and purposes as if the same had been made by the four appraisers; and if any person being nominated, appointed, or elected to be an appraiser or umpire shall refuse or neglect to act and do as herein respectively directed [he] shall forfeit the sum of twenty pounds current money of this Island to the use of His Majesty, His heirs and successors, for the benefit of the public of this Island, to be recovered in a summary way before any two justices of the peace, who in case of difference in opinion shall call to their assistance a third justice to determine it; and upon any person or persons being convicted before the said justices of such neglect or refusal and not immediately paying down the said fine of twenty pounds he or they shall be committed by the said justices unto the common gaol of this Island, there to remain without bail or mainprise until payment thereof; and if the Treasurer for the time being shall refuse or neglect duly to execute what by this Act he is empowered or directed to do he shall forfeit the sum of twenty pounds, to be recovered and applied as before directed.

Appraisers or umpire not acting to forfeit 20l.

Convicted and not paying fine to be committed.

Treasurer disobeying Act to forfeit 20l.

Five acres of said land to be vested in His Majesty for works mentioned in recital.

The remainder for allotments to the poor according to Acts Nos. 10 & 22.

7. That out of the said tract of land five acres to be chosen within thirty days after the return of the appraisement by the Commander-in-Chief for the time being shall be vested in His Majesty, His heirs and successors, for erecting thereon the buildings and other works before mentioned, and the remainder of the said land shall be vested in His Majesty, His heirs and successors, to be granted from time to time to poor persons by the Commander-in-Chief for the time being by and with the advice and consent of the Council and Assembly of this Island in the same manner and under the same rules and limitations that other public lands in this Island are grantable.

Ten acres nearest cisterns forfeitable if possessor necessary to damage of cisterns.

8. Provided always, That ten acres of the said remaining land nearest to the cisterns, when granted, shall at all times be forfeitable, unless the possessor of it shall take due and constant care, as far as in him lies, that no damage be done by any person to the said cisterns, and upon proof of his neglecting so to do the same ten acres may be granted away to any other person for ever, subject to be forfeited upon proof of like neglect.

No. 22.

AN ACT to explain and amend an Act, intituled "An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers now to be disbanded to continue therein, by enabling them to become Settlers amongst us," dated the Twenty-fourth Day of December One thousand seven hundred, and also to explain and amend one other Act, intituled "An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein," dated the Fifteenth Day of July One thousand six hundred seventy and nine. [Dated 10th June 1747.] *See Nos. 10, 11, 106.*

WHEREAS by an Act, intituled "An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers now to be disbanded to continue therein, by enabling them to become Settlers amongst us," dated the twenty-fourth day of December one thousand seven hundred, it is provided, in relation to lands granted by the Governor, Council, and Assembly of this Island in parcels of ten acres, that on the party's deserting it for twelve months to whom granted, or the heirs of his body being extinct, the lands so granted shall revert to and again vest in His Majesty, His heirs and successors, to be from time to time, as often as it shall so happen, distributed to others by the Governor, Council, and Assembly; but no provision is therein made in case the same shall be deserted by the heirs of the body of such first grantee, by which means several parcels of such public lands in this Island remain waste and unmanured, no new grantees being willing to spend their time and substance in improving the same where there are heirs of the body of the first grantees in being, notwithstanding the said lands are deserted by the said heirs and many of them not upon this Island.

2. To remedy which inconveniency for the future, we Your Majesty's most dutiful and loyal subjects, the Governor-in-Chief of Your Majesty's Leeward Caribbee Islands, and the Council and Assembly of this Your Majesty's Island Antigua, do pray Your Sacred Majesty that it may be enacted and ordained; and be it and it is hereby enacted and ordained by the authority aforesaid, That all and every of the said small parcels of public land which shall for the future be granted to any person by the Governor, Council, and Assembly of this Island pursuant to the above-recited Act, and which shall be deserted by the heirs of the body of such original grantees for the space of twelve calendar months, and all and every parcel of the said lands at this time held and possessed by virtue of any former grant whether by the first grantee or such as claim under him, and shall be deserted by the present possessor or any other to whom it shall hereafter descend for the like space of twelve calendar months, shall revert to His Majesty, His heirs and successors, and shall be disposed of as in the said Act is provided in case of desertion by the person to whom granted, any law, custom, or usage to the contrary notwithstanding.

3. That all persons now having right and title to any country lands in this Island, and having deserted the same for twelve months past, and who shall not claim the same within twelve months by petition to the Legislature of this Island, where the said lands are not again granted, or by bringing their action within the like time when the lands are granted to others, all such persons are hereby debarred and disabled to recover or possess the same, except they shall obtain a new grant from the Governor, Council, and Assembly as directed in the said Act.

4. That any person neglecting personally or by his or her family or servants to occupy and manure the public lands which they are entitled unto or that shall lease the same shall be held and deemed a deserter within the meaning of

Preamble.
Defect in Act No. 10.

Act.
Lands granted under Act No. 10, if deserted by grantee, heirs, or claimants, for 12 months to revert,

and be disposed of as No. 10 provides in case of desertion.

Clause temporary.

Persons (except infants) either not occupying or leasing lands to which they

are entitled to be deemed deserters.

this Act, infants excepted, who shall also be deemed deserters if they shall at any time after coming of full age neglect to occupy and manure as aforesaid or shall lease any public lands which shall descend to them.

Widows of possessors of small parcels of public land hereafter descending or granted not entitled to dower;

5. And whereas the widows of persons who have died seised of such small parcels of public lands have of late sued for and recovered dower in the same, which may prove of bad consequence, especially when the deceased leaves no issue, the two-thirds of such small parcels of lands and of the little settlements made thereon not being a sufficient encouragement for new grantees to proceed in cultivating thereof: Therefore be it, and it is hereby enacted and ordained by the authority aforesaid, That no widow of any future grantee of public lands or of any person to whom public lands shall hereafter descend shall be entitled to or recover any dower out of such lands or the settlements thereon made, but the same shall descend to the heirs of the body according to law, or in case of failure of issue shall again be granted by the Governor, Council, and Assembly of this Island, free and discharged of and from all right and title of dower whatsoever, any law, custom, or usage to the contrary notwithstanding: And the widow of any such future grantee or person to whom such public lands shall hereafter descend, upon petition to the Commander-in-Chief upon the Island, and the Council and Assembly of the same, setting forth her marriage with the deceased, and that he died seised of an estate of inheritance in public lands, and making due proof of the premises, shall receive out of the treasury of this Island the sum of thirty pounds, current money, in full satisfaction for her dower hereby taken away.

to receive 30*l.* from public treasury in lieu.

6. Expired.

Recital, No. 6, s. 2.

7. And whereas also by an Act, intituled "An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein," it is enacted and ordained, that from and after the date thereof all and every proportion of land that already is or hereafter shall be granted to any of His Majesty's subjects in any of the towns within this Island that shall thereon build and erect in and upon every such proportion of land a framed timber house covered with shingles or otherwise (provided such house be not thatched), or builded with brick or stone covered as aforesaid, within six months after the date of the return of such warrants into the register's office, all such lands and houses shall from thenceforth be taken, deemed, and held to be freehold and inheritance in fee simple to all such person or persons, their heirs and assigns respectively for ever:

Act.

8. And whereas several persons who have heretofore obtained grants of proportions of land in the towns of this Island, and have built houses thereon, pursuant to the said last-recited Act, have afterwards suffered the same to go to ruin, so that for many years there have not been the least appearance of houses thereon, and in some cases persons having title to such waste proportions of land have suffered their titles to the same to lie dormant and unknown until others have obtained grants and built houses, and made other improvements thereon, and then have brought actions for and recovered the same, all which have proved a great inconvenience to the public as well as to private persons, and great hindrance to the well settling and building the several towns in this Island: For the prevention of which for the future, and for the further encouragement of persons to build and settle in the several towns in this Island, be it and it is hereby enacted and ordained, That every proportion of land in the several towns of this Island which at this time are unbuilt or in a ruinous condition; (that is to say,) that have not thereon in good tenantable repair a framed and shingled house or a brick or stone house of thirty feet in length and fifteen in breadth at least, as by a former law of this Island is required, and that

Since repealed.

shall continue in such condition for the space of three years from the date hereof; and every proportion of land in any of the said towns which is now or hereafter shall be built on as by law required, and shall afterwards become ruinous as aforesaid, and shall continue so for two years successively, shall be held and deemed and are hereby declared to be waste land, and the provost marshal or his lawful deputy is and are hereby empowered and required, upon information from any person of good credit of any such waste land in any of the towns, or if he shall know thereof himself, to proceed to sell the same at public outcry to the highest bidder at the setting of the sun on the day of sale, giving at least ten days notice of the time and place of sale by three publications in writing signed by him, in which the situation of the land, with its butts and bounds, shall be inserted, two of which publications shall be affixed up in the most public places of the town in which the land lies, and the other on or as high as may be to the land to be sold, and the provost marshal or his deputy upon receiving the purchase money shall give a receipt for the same, specifying therein the situation and butts and bounds of the land, and the time and place of sale, and he shall immediately pay the purchase money into the treasury of this Island for the use of the public, first deducting thereout five *per cent.* to himself for his whole trouble.

Proportions of land in towns built on according to law suffered after to be ruinous for two years, to be deemed waste land, and sold at outcry to highest bidder, &c.

9. That the purchaser upon his or her petition to the Commander-in-Chief upon the Island, and the Council, with the provost marshal's receipt thereon annexed and therein referred to, shall have a grant of the land so sold, and upon building thereon as by law required shall have therein a good and firm estate of inheritance for ever, unless the same shall again become waste within the meaning of this Act.

Marshal to give receipts and pay purchase money into public treasury, retaining for his trouble five *per cent.*

Purchaser upon petition to have grant; and gain, by building according to law, inheritance for ever, unless forfeited by waste under a. 8.

10. That if any suit or action in law or equity be brought for lands sold by the marshal pursuant to this Act or for dower therein, the Treasurer of this Island upon notice given him, by leaving the declaration or other process at his office, shall defend the same at the public expense, and if in such suit or action the plaintiff shall make appear a good and lawful title he or she shall recover in damages the full sum for which the said lands were sold and no more, unless a demand or right of dower be then subsisting, in which case only five sixths shall be recovered, and the Treasurer upon a proper certificate of such recovery shall pay the same without any further Act or order, but no judgment or decree shall pass for the land itself.

Suits for lands sold under Act, or for dower therein, to be defended at public expense.

Plaintiff making title to recover value in money (deducting one-sixth where dower), not the land.

11. That after the full value of any such lands shall be recovered all right of dower which shall hereafter accrue, or that shall be then subsisting, but not then demanded or sued for, shall be recoverable only against such person or persons as shall have recovered the whole value as aforesaid, and not against the public or any person or persons possessing such lands by virtue of the marshal's sale, and a grant from the Governor and Council as aforesaid, and all persons so recovering in dower shall recover one sixth part of the value such land sold for and no more.

After recovery of full value, the one-sixth for dower, if not then sued for, to be recoverable only against the persons who have recovered such full value.

12. Provided always, That such suit or action be brought within three years from the time of the marshal's selling the land, and all persons not suing within three years from the time of the marshal's sale are hereby absolutely barred to recover even the sum for which it was sold, except such as are infants under the age of twenty-one years, women under coverture, persons *non compos*, or in prison, or beyond sea at the time when the sale is made, who upon bringing their suit or action within three years after such impediments are removed, and making a title appear as aforesaid, shall recover the sum the lands sold for as aforesaid, but not the land itself.

Actions not brought in three years after sale or removal of legal disability barred.

No. 23.

REPEALED IN PART
by Act of 21st April
1801 (No. 40).
Amended by Act of
13th May 1811,
No. 43.

AN ACT for completing, executing, confirming, and establishing certain Contracts made by a Committee of the Council and Assembly and the Treasurer of this Island Antigua for erecting a public Court House upon the Place commonly called the Market Place in the Town of Saint John in Antigua, and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contracts, and for repaying certain Monies lent upon the public Faith for and towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expenses of the said Building and other the aforesaid Puposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John's.

[Dated 9th June 1748.]

Preamble.

WHEREAS many inconveniences arise from holding of meetings of the Legislature of this Island and courts of justice in such a house or building as now is or can be rented by the public of this Island for those purposes, and the same inconveniences always did and must follow the holding such meetings in private buildings, none of which are contrived properly for such purposes, being generally much too small, so that all persons who are obliged to attend on such occasions suffer great overheatings and expense of spirits, which there is good reason to think has occasioned much sickness and even to have caused the death of many persons, and besides there are no conveniences in such private buildings for the grand juries and petty juries to be in or withdraw to separately, but they have been forced often to retire to taverns and other houses adjacent while the courts have been sitting:

2. And whereas hitherto no provision has been made for the keeping in any certain places the offices of Secretary and provost marshal of this Island, from whence also many inconveniences have followed:

3. And whereas the said town of Saint John is the capital town and grand mart of trade in Antigua and is daily improving, and the number of inhabitants thereof increasing, wherefore the premises being duly weighed and considered by the Legislature of this Island, it has been resolved that the said public inconveniences ought to be remedied as soon as possible by erecting a public building to be called a court house to be appropriated to the uses and purposes herein-after mentioned, to be paid for by monies to be raised by a public tax:

4. And whereas Andrew Lessly, Esquire, one of the members of His Majesty's Council for this Island of Antigua, Robert Christian, Esquire, and William Furnell, Esquire, two of the members of the present Assembly of the same Island, on or about the fifth day of June in the year one thousand seven hundred and forty-seven were appointed a committee to contract with workmen and collect materials or otherwise to contract with undertakers for building a public court house after a proper plan should be agreed upon for the same, of which two or three different plans were then designed, and on the fifteenth day of the same month of June a proper plan for building the same court house was agreed on by the Legislature of this Island:

5. And whereas also at a meeting of the Council and Assembly of this Island on the thirtieth day of the same June it was agreed by them that their said committee might be and was empowered to borrow any sum not exceeding two thousand pounds sterling, for repayment whereof in specie with interest the public faith was then engaged:

6. And whereas the said committee did treat with undertakers for the same building (to wit) with William Lowry, mason, for the mason's work thereof, and with Duncan Grant, carpenter, for the carpenter's work and all other workmanship thereof, and with Robert Bannister, planter, for finding all stone for the said building, and landing such stone in Saint John's town aforesaid, and afterwards signified the heads or substance of such treaty to the Council and Assembly of Antigua at their meeting upon the twenty-first day of July in the year one thousand seven hundred and forty-seven, and at the same meeting upon a motion made by the said Robert Christian to have leave to bring in a bill to indemnify the Treasurer or any of the said committee who should become security on behalf of the public to the undertakers for building the same court house, and particularly appropriating the plot of ground commonly called the market place for that purpose, it was ordered by the said Assembly that the said Robert Christian should have leave to bring in a bill for that purpose, and thereupon at the last-mentioned meeting the same Assembly did signify by written message to the Council of Antigua that the said undertakers having insisted with the committee of the two houses on having private security for performance of covenants on behalf of the public, and as it might perhaps be also necessary to appropriate particularly the ground commonly called the market place to this use, the Assembly should also order a bill into their house for those purposes, but as it could not be expected that the committee should engage and bind themselves before they had some assurance of being indemnified, the Assembly should be glad the Council would signify their approbation of such a bill, and their consent that the Treasurer or any of the committee who should become bound as above should be indemnified by the public, or to that purpose and effect; and at the same last-mentioned meeting the Council by written message to the Assembly did agree that the ground commonly called the market place for the building a public court house be appropriated particularly to that use, and that a bill should be brought into the Assembly accordingly, and did also agree that a clause should be inserted in the said bill to indemnify all or any of the committee appointed for that purpose or the Treasurer who should become bound to the undertakers or to that effect, as by the same minutes entered in the journals of the Council Board of Antigua and the journals of the Assembly of Antigua may more at large appear:

7. And whereas also the Council and Assembly of this Island are fully satisfied that no other place or piece of ground in the said town of Saint John but the said place used as a market place can be had sufficient or spacious enough to build the said court house upon, and that no inconvenience will follow from appropriating the said ground now used as a market place for building the said court house upon, there being another void piece of ground herein-after more particularly described lying opposite to the said place now used as a market place and belonging to the public of Antigua, which is now applied to no use, and is sufficient for a market place for the said town of Saint John, but not sufficient nor proper to build the said court house upon, and that the said court house may be built upon the said place now used as a market place without annoyance or injury to any the dwelling houses or buildings erected contiguous thereto:

8. And whereas the Council and Assembly of Antigua have humbly represented it to Your Majesty's present Governor-in-Chief of the Leeward Caribbee Islands in America as their opinion that no intention of any of the Acts of Antigua will be any way contravened by building the said court house upon the said place now used as a market place, which when built will be not only of most necessary public service, but a great ornament to the said town of Saint John:

9. And whereas by virtue and in pursuance of the said votes and resolutions of the Council and Assembly certain articles of agreement have been drawn and laid before the Council and Assembly of Antigua between the said committee and Treasurer and the said William Lowry, Duncan Grant, and Robert Bannister for building the said court house, which draught hath been fully considered and approved by the same Council and Assembly and by the said William Lowry, Duncan Grant, and Robert Bannister, and their counsel at law, and the same draught ready to be signed by the parties thereto, with blanks for the date, in order to be engrossed and executed :

10. And whereas the said committee upon strength of the several votes and resolutions aforesaid of the Council and Assembly of Antigua have borrowed upon the credit and public faith of the said Island of Antigua from the several persons following on the several days herein-after mentioned, the following sums of money to be applied towards building the said court house ; (that is to say,) from Stephen Blizard and Jonas Langford, Esquires, executors of the last will and testament of Samuel Watkins, late of this Island, and from Stephen Blizard, Jonas Langford, William Mackinnen, and Robert Christian, Esquires, executors of the late Thomas Watkins, Esquire, the sum of seven hundred and forty-six pounds twelve shillings and fourpence farthing sterling, lawful money of Great Britain, on the fourteenth day of August one thousand seven hundred and forty-seven ; and from Jonas Langford, Esquire, the sum of twelve hundred and fifty-three pounds seven shillings and sevenpence three farthings sterling, lawful money of Great Britain, on the fourteenth day of August one thousand seven hundred and forty-seven :

11. And whereas many materials have been brought into place, and the foundation of the said court-house actually laid out and inclosed with a fence of boards, and the works thereof considerably proceeded upon :

12. We Your Majesty's most loyal and obedient subjects the Governor-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do most humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it enacted and ordained by the authority aforesaid, That the said public court house shall be built in the said place formerly used as the market place in the said town of Saint John, according to the plan agreed upon as aforesaid, fronting to the southward, and according to the said agreement and articles entered into by the said committee with the said William Lowry, Duncan Grant, and Robert Bannister, with all convenient speed until the same shall be completely finished.

13. That the said Andrew Lessly, Robert Christian, and William Furnell, the members of the said committee of Council and Assembly, and the said Ashton Warner, present Treasurer of Antigua, shall be and are hereby empowered to execute the said agreement on behalf of the public of this Island of Antigua, and the same agreement is hereby approved, ratified, and confirmed.

14. That the place or great square of void land commonly called and formerly used for the market place in the town of Saint John in Antigua shall be and is hereby allotted and appointed for building the said court house upon, with the inclosure of the same court-house, if any inclosure thereof shall be ; and the same shall be built on such part thereof as the said committee of Council and Assembly hath directed or appointed or as any other committee of Council and Assembly of Antigua hereafter for that purpose to be appointed shall direct or appoint, so that no part of the same shall be built upon any part of any usual known street in the town of Saint John, nor shall any part of the same court house be built within twenty feet of any person's dwelling house or buildings which are now erected and situate on either the east or west side of the said

Act.
Court house to be
built in St. John on
the site of the old
market place.

Agreement ratified ;
public agents named
to execute it.

Void land called the
market place allotted
for court house and
inclosure, so as no
part be built on any
street crossing it, nor
within 20 feet of
houses on the east or
west side.

place formerly called the market place, but a street or space of the number of twenty feet at least to be left between the said courthouse and the same buildings and dwelling houses at the east and west side of the same market place, and that on whatever part of the said place formerly called the market place the same court house shall be built, no part thereof shall encroach or be built upon any part of any known street, but at least the full breadth of the known street running from east to west on the north and south sides of the same place formerly called the market place be continued for the whole length of the same north and south sides of the said place formerly called the market place.

15. That the ground and soil whereon the same court house and its inclosure are appointed to be built, and the same court house and inclosure when built, are and shall be vested and estated, and are hereby vested and estated in His Majesty, His heirs and successors, to be and continue for ever unalienable and not grantable over for any other uses, estates, intents, or purposes, to be occupied and used to and for the several public uses, intents, and purposes following; (that is to say,) for the meetings of the Legislature of this Island, and every or any branch or branches of the same Legislature, for holding courts of justice, and for public offices for the Secretary of this Island for the time being or his lawful deputy, and for the provost marshal of this Island for the time being or his lawful deputy, in the manner following; (that is to say,) that the room above stairs on the east end and north side shall be for the Governor and Council to sit in on council days and privy council days and when the Council and Assembly meet; that the middle room above stairs on the north side shall be a lobby or passage between the room where the Governor and Council shall sit and the room where the Assembly shall sit; and that the room above stairs on the north side and west end shall be the room where the Assembly and their committees shall sit, and that the long room below stairs to the north side shall be for sittings of all courts of justice to be held for this Island, and when neither Council nor Assembly shall be therein sitting the rooms aforesaid above stairs shall be made use of for grand juries or petty juries in criminal causes and for juries in civil causes [and that the upper and lower rooms in the returns at the east end of the said court house shall be the office of Secretary of this Island,] and that the upper and lower rooms in the return at the west end of the said court house shall be the office of provost marshal of this Island, or their respective deputies for the time being.

16. That after the said court house shall be completely finished the Governor-in-Chief of these Leeward Islands, or person being personally in chief command in this Island, with consent of the Council and Assembly of the same, shall and may make an order or orders to be entered in the journals of both the said Council and Assembly for the said Secretary and deputy and provost marshal and deputy severally and respectively to keep their offices and the records thereof in the said rooms hereby assigned and appointed for the same, and to do the same by a certain day or certain days in such order or orders to be settled and fixed; and if either of the said Secretary or deputy or provost marshal or deputy, after notice had by a copy or copies of such order or orders, shall fail to remove the records of their respective offices to the proper rooms aforesaid and to begin and continue their offices each in his said proper rooms of the said court house, each so failing shall forfeit forty shillings current money of Antigua a day, reckoning in Sundays as days, for each day he shall neglect so to do; and all successors in each of the said last-mentioned offices of Secretary and provost marshal without any particular notices shall be obliged each upon like penalty of such forty shillings a day to continue to keep the same offices respectively and the records of the same in the said rooms.

Site and court house when built to vest in the King.

For Legislature, judicature, and public offices;

division and use of apartments.

[Provision for sittings of legislature, courts of justice, and public offices, when building under repair, made by No. 130.]

By No. 40, s. 1, 2, so much of clause as assigns the upper room in the return at east end for part of secretary's office repealed, and apartment in south-west wing of guard-house and arsenal substituted for secretary's records.

Secretary and marshal to transact official business in rooms assigned on penalty of 40s. per day.

Repealed as to the occupation of said upper room by the Secretary.

Ground described in
clause allotted for
market place.
See Acts Nos. 175,
177, 178.

Sections 17 to 35 expired or had effect.

36. And to the end a sufficient market place may not be wanting for the said town of Saint John, be it and it is hereby enacted by the authority aforesaid, That all that piece of ground now lying unimproved by the public of Antigua, the title whereof or any part whereof never was granted away from the Crown, but the same has always been in the Crown for the public use of this Island, and which doth contain by estimation one hundred and twenty feet from north to south and fifty feet from east to west, more or less, bounded to the north with the common gaol, to the east with the lands and tenements of Mansfield Ord and others, to the south with Church Street, and to the west with the lands and tenements heretofore of John Burke deceased, shall be and is hereby declared to be vested and estated in His Majesty, His heirs and successors, as and for the public lawful market place of the said town of Saint John, and for that use to continue for ever unalienable and not to be granted for any other uses as fully to all intents and purposes whatsoever, as though the same had been laid out, set aside, and distinguished in the most formal manner for a market place, and as though due return and record thereof had been made as by an Act or Acts of this Island is or hath been required.

No. 24.

AN ACT to enable Infants who are seised or possessed of Estates in Fee, in Trust, or by way of Mortgage to make Conveyances of such Estates.

[Dated 8th May 1758.]

Preamble.

WHEREAS many inconveniences do and may arise in this Your Majesty's Island Antigua, and the Islands thereto adjacent and belonging, by reason that persons under the age of one-and-twenty years having estates in lands, tenements, or hereditaments lying in Your said Majesty's Island Antigua, and the Islands thereto adjacent and belonging, only in trust for others or by way of mortgage, cannot (though by the direction of the cestuique trust or mortgagor) convey any sure estate in any such lands or hereditaments to any other person or persons:

2. For remedy thereof, we Your Majesty's most loyal, dutiful, and obedient subjects the Governor of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island Antigua, most humbly pray Your most Excellent Majesty that it may be enacted and ordained, and it is hereby enacted and ordained by the authority aforesaid, That from and after the publication of this Act it shall and may be lawful to and for any such person or persons under the age of one-and-twenty years by direction of the Court of Chancery of Your Majesty's said Island Antigua or the Court of Exchequer of the said Island, signified by an order made upon hearing all parties concerned, on the petition of the person or persons for whom such infant or infants shall be seised or possessed in trust, or of the mortgagor or mortgagors or guardian or guardians of such infant or infants, or person or persons entitled to the monies secured by or upon any lands, tenements, or hereditaments whereof any such infant or infants are or shall be seised or possessed by way of mortgage, or of the person or persons entitled to the redemption thereof, to convey and assure any such lands, tenements, or hereditaments in such manner as the said Court of Chancery or the Court of Exchequer shall by such order so to be obtained direct to any other person or persons; and such conveyance or assurance so to be had and made as aforesaid shall be as good and effectual in law, to all intents and pur-

Act.

Minors possessed of
estates in trust or by
way of mortgage
empowered to convey
such estates under
the direction of the
Court of Chancery or
Exchequer after
hearing of all parties
on *ex parte* petition.

poscs whatsoever, as if the said infant or infants were at the time of making such conveyance or assurance of the full age of one-and-twenty years, any law, custom, or usage to the contrary in anywise notwithstanding.

3. And be it further enacted by the authority aforesaid, That all and every such infant or infants, being only trustee or trustees, mortgagee or mortgagees as aforesaid, shall and may be compelled by such order so as aforesaid to be obtained to make such conveyance or conveyances, assurance or assurances as aforesaid, in like manner as trustees or mortgagees of full age are compellable to convey or assign their trust estates or mortgages.

Minors may be compelled by order so obtained to make such conveyances.

No. 25.

AN ACT for the supplying the several Defects in the Laws of this Island concerning Conveyances and Assurances of Lands, Tenements, and other Freeholds and Inheritances lying and being in Antigua, and the Islands thereto adjacent and belonging; and for making the Probate of the Execution of Deeds in Parts beyond Seas relating to such Lands, Tenements, and other Freeholds and Inheritances, effectual, without an Acknowledgment thereof before the Register of this Island or his Deputy.

[Dated 28th July 1764.]

WHEREAS by the general laws of the Leeward Caribbee Islands in America or the particular laws of Antigua provision is made only concerning deeds, conveyances, and assurances executed upon the Island of Antigua, or in England or Ireland, for conveying lands, tenements, and other freeholds and inheritances lying and being in Antigua and the Islands thereto adjacent and belonging; and also disputes have arisen concerning the acknowledging, proving, and authenticating deeds executed beyond the seas for and touching estates and interests in lands and tenements in Antigua, and the Islands thereto adjacent and belonging: For prevention therefore of doubts and settling the law in these points in future, we Your Majesty's most dutiful, loyal, and obedient subjects the Governor or Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That all deeds, conveyances, and assurances which shall be executed in any parts beyond the seas of and concerning lands, tenements, rents, and other freeholds and inheritances lying and being in Antigua or the Islands adjacent and thereto belonging shall be good and effectual to pass estates and interests, rights and titles of and in such lands, tenements, rents, and other freeholds and inheritances in Antigua or the Islands thereto adjacent and belonging, according to the purport, words, and lawful intention of the same deeds, without livery of seisin or attornment; it being hereby declared that livery of seisin or attornment were never required in any such deeds by the constant usage, laws, and practice of Antigua, and that all and every such deeds, conveyances, and assurances having sufficient words to pass the fee simple of such lands, tenements, rents, and other freeholds and inheritances, and duly recorded as the laws of Antigua direct and require, shall be to all intents and purposes as effectual to bar, discontinuance, doek, extinguish, cut off, and destroy all estates tail, rights to estates tail, remainders vested and contingent, and all reversions, rights, charges, powers, and authorities, dower and thirds, estates and rights of females covert, of, in, touching and concerning all and every such lands, tenements, rents, and other freeholds and inheritances as a fine

Preamble.

Act.
Conveyances of estates in Antigua executed out of Antigua effective without livery of seisin.

Such deeds containing words which pass the fee simple recorded as the laws of Antigua require to bar entails, &c. as effectually as fine and recovery, if party transmitting right be of age.

with proclamations according to the laws of that part of Great Britain called England, duly levied in the Court of Common Pleas at Westminster, or a common recovery suffered with due execution returned and made in the same Court of Common Pleas at Westminster, or both such fine and recovery with deeds properly executed to lead and declare the uses of both or either such fine or recovery, are or is by law in that part of Great Britain called England of, for, touching, and concerning lands, tenements, rents, and other freeholds and inheritances lying and being in that part of Great Britain called England, and all rights, charges, powers, authorities touching and concerning the same, so always that all parties so granting, conveying, or passing shall be of the full age of one-and-twenty years.

Such deeds executed out of Antigua to be enrolled in Antigua in two years,

2. Provided always, That all deeds, conveyances, and assurances, bargains and agreements, of and concerning lands, tenements, rents, and other freeholds and inheritances lying and being in Antigua, or the Islands adjacent and thereto belonging, executed in any part of His Majesty's dominions in Europe or elsewhere (except Antigua), or any other part of the world not belonging to or under the Crown of Great Britain, shall be enrolled, registered, and recorded in the register's office of Antigua within two years after the execution thereof.

If such deeds executed in England or Ireland, the acknowledgment, examination of married women thereon, certificate, and registry to be conformable to an Act of the Leeward Islands, dated 21st June 1705 (No. 32).

3. And provided also, That whenever any estates tail, rights to estates tail, remainders vested or contingent, reversions, rights, charges, powers, and authorities, dowers and thirds, estates and rights of femes covert are to be barred, discontinued, docted, extinguished, cut off, or destroyed, that the deed or deeds so passing or conveying if executed in that part of Great Britain called England, or in Ireland, shall in all respects be executed and acknowledged by the party and parties granting and conveying, and married women be thereon privately examined, and be certified, enrolled, and registered as directed and required in and by a certain General Act of the Leeward Caribbee Islands in America, made at Nevis, intituled "An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or any of these Islands, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster," dated in Nevis the Twenty-first Day of June, Anno Domini One thousand seven hundred and five, and in the Fourth Year of Her late Majesty's reign; and if executed in Antigua, to be also acknowledged by the party and parties granting and conveying, and married women thereon privately examined, and be certified and registered as the particular laws and acts of Antigua do require; and if executed in that part of Great Britain called Scotland, then to be acknowledged by such parties granting and conveying, and married women to be privately examined before one of the Lords of Sessions or any sheriff of any county or stewartry, and such acknowledgment and examination, with the name of the place and day and year of our Lord or the King's reign, shall be certified upon the same deed and deeds under the hand and seal of such Lord of Sessions or such sheriff; and if executed in Barbadoes, or in any of the Leeward Caribbee Islands in America, or in any other colony, territory, or dominion in Europe, Asia, Africa, or America belonging or to belong to the Crown of Great Britain, then to be acknowledged by such parties and married women to be privately thereon examined before some judge of His Majesty's Court of Common Pleas, or of some other court of record, or where no such Court of Common Pleas or other such court of record is established, then before the person who shall exercise and execute the chief command there, and such acknowledgment and examination with the name of the place, day, and year of our Lord or the King's reign, shall be certified upon

When deeds executed in Antigua, acknowledgment, &c. as Nos. 1, 5, 9, 26, require; executed in Scotland, acknowledgment, &c. before Lord of Session or Sheriff, to be certified with place and date under his hand and seal. In any other place belonging to Great Britain, acknowledgment, &c. before Judge of Common Pleas or Court of Record; if no such Judge, before the person in chief command, certified respectively under his hand and seal. Acknowledgment in any place in Europe not belonging to Great Britain to be

the same deed and deeds under the hand and seal of such judge or commanding officer: And if the same shall be executed in any foreign kingdom, territory, colony, or place in the world not belonging to or under the dominion of the Crown of Great Britain, then such acknowledgment and examination, if taken in Europe, shall be taken before the chief officer of and shall be certified under the public seal of some city or town corporate or city or town being in nature of a corporation, having a public chief officer and using a public seal in any part of Europe, and if such acknowledgment and examination shall be taken in any foreign colony in Asia, Africa, or America, the same shall be taken before the person there in chief command, and be certified under his hand and such seal as such person there in chief command shall use as his public seal.

before chief officer of a corporation certified under a public seal; in any foreign place in Asia, Africa, or America, before the person in chief command, certified under his hand and a public seal. And see Act No. 132, s. 24.

4. And touching and concerning the proof and further authenticating such deeds and conveyances, be it and it is hereby enacted by the authority aforesaid, That no such deeds, conveyances, or assurances executed anywhere beyond sea out of Antigua shall be pleadable in law or equity, or given or admitted to be proved or read in evidence in law or equity, until the same, with the acknowledgment, examination, and certificate thereon, shall be all recorded at length in the register's office by law appointed or to be appointed in Antigua for registering deeds relating to lands in Antigua; and that where any such deed shall be produced in any such manner as aforesaid, acknowledged, and certified, the same without any further acknowledgment or proof shall be received and recorded in the said register's office of Antigua, and after being so recorded shall need no further proof, but be admitted as evidence in law and equity; and copies attested from the said office of all such deeds shall be as good evidence as allowed and practised, with relation to copies of deeds there registered in other cases in law and equity in Antigua, and shall have priority as in other cases directed, and the very day and year of our Lord in words at length when such deeds respectively first shall be brought to the said register's office to be recorded shall be truly and immediately indorsed on such deeds, and attested under the hand of the register or his deputy executing the said office, and shall be duly registered and entered in the said office with the respective deed, and such time when such deed shall be first brought to the register's office to be recorded shall be deemed, esteemed, and taken to be the time of the entry or registry thereof.

Such deeds not evidence till registered at length in Antigua.

Deeds so acknowledged and certified to be received for registry without further proof; originals recorded, and copies attested by register, evidence.

Priority regulated as in other cases. Register to indorse in words at length date of receiving deed, which is to be deemed time of registry.

No. 26.

AN ACT supplementary to an Act, intituled "An Act supplementary to an Act, intituled 'An Act for the better Regulation and Settlement of the 'Register's Office of the Island of Antigua,' dated the Third Day of November One thousand six hundred and eighty-nine; and for altering and amending the said Act;" and also for the erecting and building a public Register's Office.

See with this, Nos. 1, 5, 9, 25, 220, and the Act of the LEeward Islands (No. 32), which relate incidentally to registering.

[Dated 8th February 1765.]

Sections 1 and 2 repealed.

3. And whereas there is no public register's office in this Island appointed for keeping the records thereof, but every register hath kept such office in such houses and at such place as hath been suitable to his convenience, and very often such records have been kept in boarded buildings, so that the records are exposed to the danger of fire and hurricane: Be it therefore further enacted by the authority aforesaid, That the Honourable Arthur Freeman, Esquire, one of the members of His Majesty's Council, and in case of his death or absence such member of His Majesty's Council as shall be appointed in his room by the said Council, and John Halliday and William Livingston, Esquires, two of the

Committee named to purchase land and build register's office. No. 156, s. 8.

members of the present Assembly, and in case of their or either of their deaths or absence such other member or members of the present or any future Assembly as shall be appointed in the room of him or them so dead or absent, shall be and are hereby appointed a committee of the Council and Assembly to provide and purchase a proper spot of land for erecting such register's office and to treat with proper workmen, and they are hereby empowered to provide and purchase a proper spot of land for erecting such register's office and to treat with proper workmen for the erecting and building a proper brick or stone house for the keeping the public records of the register's office in such place and according to such plan as shall be approved of and agreed to by the Governor-in-Chief of the Leeward Islands or the person in chief command on this Island, and the Council and Assembly thereof.

When built to vest in the King for a register's office ;

register to keep his records in it or forfeit his office.

Expense of purchase and building to be paid by treasurer.

Register to repair and replace doors, windows, glazing, window shutters, and floors ;

if register neglect for three calendar months after notice, treasurer may make repairs, and register to forfeit double the expense and costs of suit.

Forfeiture to the public.

Dilatory plea disallowed.

Register to pay yearly rent of 40*l*.

4. The land and the said house when built thereon shall be and are hereby declared to be vested and estated and are hereby vested and estated in His Majesty, His heirs and successors, to be and continue for ever unalienable and not grantable over for any other use or uses, estates, intents, and purposes than for a register's office ; and the register for the time being and his successors in the said office shall and are hereby ordered and required to keep all the public records of the said office in the said brick or stone house so to be built, upon pain of forfeiting his said office and being rendered incapable of ever again holding such office.

5. The Treasurer of this Island for the time being shall and is hereby authorized and required to pay out of the public treasury of this Island the expenses attending the purchasing land, erecting and building such brick or stone house, and finding materials for the same, upon the said committee hereby appointed drawing a proper order or orders upon him for that purpose.

6. The doors, windows, window-shutters, and floors of the said house, and the glazing thereof, shall be kept constantly in repair by the now register for so long time as he shall hold and enjoy the register's office and by the respective successors in that office for so long a time as they shall respectively hold and enjoy the same, and the present register and the respective successors to the said office of register, when there shall be occasion to find new doors, window-shutters, locks, hinges, bolts, and panes of glass for the windows of the said office, shall find doors, window-shutters, locks, hinges, bolts, and panes of glass for the windows, of the same size and goodness as belonged to the said office at the time of his entering upon and taking possession thereof ; and in case the present register or his successors shall neglect or refuse on notice given by the Treasurer to make such necessary repairs as aforesaid, the register so neglecting or refusing to make such repairs in three calendar months after such notice given, it shall and may be lawful to and for the Treasurer and the Treasurer is hereby authorized and required to make the necessary repairs, and to pay for the same out of the public treasury of this Island, and the register so neglecting or refusing to make the necessary repairs shall forfeit and pay double the costs of such repairs for each neglect or refusal, which forfeitures shall and may from time to time be recovered by action of debt against such register, his heirs, executors, or administrators, by the said Treasurer in any court of record of the said Island of Antigua in the name of the Treasurer of Antigua for the time being or his lawful deputy to the use of the public of Antigua, with full costs of suit, in which no essoign, protection, or wager of law shall be allowed.

7. The present register and the respective successors in that office shall pay yearly the sum of forty pounds gold and silver current money of Antigua, in gold or silver money or by discount with the public, and so in proportion for less

than a year, which rent shall be paid without any demand being therefore necessary into the hands of the Treasurer of Antigua or his lawful deputy for the time being, and on default of payment shall be recoverable by action of debt in any court of record in Antigua in the name of the Treasurer of Antigua for the time being or his lawful deputy to the use of the public of Antigua, with full costs of suit, in which no essoign, protection, or wager of law shall be allowed.

No demand from Treasurer necessary. On default, recoverable by action, &c.

No. 27.

AN ACT for investing a certain Proportion or Parcel of Land situate to the Eastward of the Common Gaol in the Town of St. John in the Island of Antigua, belonging to the heirs of Samuel Lyons deceased, or to some other Person or Persons claiming a Right thereto, in His Majesty, His Heirs and Successors, for certain public Uses. [Dated 24th June 1771.]

WHEREAS since the common gaol in the said town of Saint John hath been burnt down by the late dreadful fire which happened therein upon the seventeenth day of August one thousand seven hundred and sixty-nine, such part of the said common gaol as is necessary for the confinement of criminals is already built, and the heat of this climate requires that the public of this Island should consult the ease of unfortunate debtors by making that part of the gaol wherein they are to be confined as airy and spacious as possible: And whereas there is a certain proportion or parcel of land situate to the eastward of the present gaol and the lands thereto belonging claimed by the heirs or other representatives of the said Samuel Lyons deceased, or some other person or persons claiming a right thereto, which proportion or parcel of land hath been viewed, valued, and appraised at the sum of one hundred and seventy-five pounds, and the said proportion of land is convenient for the purposes aforesaid: We therefore Your Majesty's most dutiful, loyal, and obedient subjects the Commander-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, most humbly pray Your Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said proportion or parcel of land shall now and for ever hereafter enure and belong to His Majesty, His heirs and successors, for the uses herein mentioned, and that there shall with all possible dispatch be built thereon a gaol and other necessary outhouses, according to a plan to be laid before the Legislature of this Island and by them to be approved of and resolved upon.

Preamble.

2. Provided always, and it is hereby further enacted and ordained, That if any person or persons shall think he, she, or they have a title to the said proportion or parcel of land, and shall enter a caveat with the Treasurer, and shall within a reasonable time afterwards commence an action, the Treasurer is hereby required to retain the value of the said proportion or parcel of land until the title be settled, and then to pay to him, her, or them having title thereto the said sum of one hundred and seventy-five pounds.

Act. Land described in recital to be bought and vested in His Majesty for building a gaol.

Payment of purchase money suspended till title be settled.

3. That the Commander-in-Chief upon this Island for the time being and a Committee of the Council and Assembly of this Island, to be from time to time appointed for that purpose, shall have power to supervise the said work and execute the aforesaid plan in the best manner.

Resident Commander-in-Chief and Committee to supervise work.

No. 28.

N.B. The original Act has since been repealed.

AN ACT to alter and amend an Act, intituled "An Act for the better regulating of Buildings, and to prevent Mischiefs that may happen from Fire within the Town of Saint John," dated the First Day of June in the Year of our Lord One thousand seven hundred and seventy-one.

[Dated 2nd September 1784.]

WHEREAS the houses and other buildings in the town of Saint John being chiefly built of wood are particularly liable to the danger of fire: And whereas this danger is made still more alarming from the many wooden kitchens erected within the said town, and also from the many ovens or stoves which are often erected immediately adjoining to wooden buildings, and are so negligently set as greatly to endanger the safety of the said town, as hath lately been unhappily experienced: In order, therefore, to prevent, as far as may be, such mischiefs for the future, we Your Majesty's most loyal and obedient subjects the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the publication of this Act every kitchen, and every house, building, or edifice wherein any fire shall be used for the carrying on the trade of a blacksmith or coppersmith, plumber and founder, which shall be erected or built within the limits of the town of Saint John, shall be erected and built in manner following, that is to say, the walls of such kitchen, house, building, or edifice wherein any fire shall be used for the carrying on the trade of a blacksmith or coppersmith, plumber and founder, shall be built wholly of brick or stone, and shall be at least nine inches thick and seven feet in height from the set-off of such wall, and every such kitchen shall have a proper and sufficient chimney or fireplace, which shall likewise be built wholly of brick or stone, the inside of such chimney or fireplace to be plastered or pargetted from the springing of the arch to the top, and shall be raised or carried up four feet at least above the ridge of the roof of such kitchen or building.

Kitchens and buildings where fire is used by blacksmiths, &c. within limits of St. John to be built as in clause.

Roofs of buildings used by blacksmiths, &c. to be covered wholly with slate or tile.

Chimney jambs, backs, &c. regulated.

Insides of chimneys, &c.

Flues of ovens or stoves in kitchens, &c.

2. That the roof of every house, building, or edifice wherein any fire shall be used for the carrying on the trade or business of a blacksmith or coppersmith, plumber and founder, shall be wholly covered with slate or tile.

3. That all chimney jambs and backs that shall hereafter be erected or built within the limits of the said town of Saint John shall be wholly of stone or brick, at least fourteen inches in thickness from the hearth to the springing of the arch of such chimney or fireplace, and in depth at least three feet from the front of such jamb to the back of such chimney or fireplace, and all mantels between the jambs arched over with brick or stone, and that no wainscot shall be placed or affixed to the front of any jamb or mantel of any chimney nearer than six inches from the inside of such jamb or mantel.

4. That the insides of such chimneys as shall hereafter be erected or built within the limits of the said town of Saint John shall be at least four feet in breadth between the jambs, and that no timber shall be nearer than six inches to any chimney funnel or fireplace.

5. That from and after the publication of this Act all ovens or stoves which shall be erected or built in any kitchen within the limits of the said town of Saint John shall have a flue or funnel made wholly of brick or stone (the inside to be plastered or pargetted), which shall enter into and communicate with the wing of the chimney or fireplace of such kitchen, or every such oven or stove shall have a

flue or funnel built wholly of brick or stone (the inside to be plastered or pargetted) which shall be equal in height to the chimney or fireplace of such kitchen.

6. That from and after the publication of this Act every oven or stove which shall be erected or built within the limits of the said town of Saint John, and which shall not be erected in a kitchen or some other brick or stone building having a proper and sufficient chimney or fireplace according to the directions of this Act, shall be erected or built at the distance of twenty feet at least from any wooden building or edifice; and every such oven or stove shall likewise have a chimney or flue built wholly of brick or stone at least four inches thick (the inside of such flue or funnel to be plastered or pargetted) which shall be raised or carried up fifteen feet above the crown of such oven or stove.

Flues of ovens or stoves detached, &c.

7. That all kitchens, ovens, or stoves, and also all houses, buildings, or edifices wherein any fire shall be used for the carrying on the trade of a blacksmith or coppersmith, plumber and founder, already erected or built within the limits of the said town of Saint John, and which shall not be erected or built according to the directions of this Act, shall be pulled down by the owners or proprietors of the same, or altered so as to be made conformable to the several regulations herein-before mentioned and prescribed, within the space of twelve calendar months next after the publication hereof.

Kitchens, ovens, &c., blacksmiths' workshops, &c. already built to be pulled down or altered so as to conform to Act in 12 months.

8. That the person or persons who shall be in possession of any kitchen, house, building, or edifice, chimney, oven, or stove, which shall be erected or built, or shall so remain contrary to the directions of this Act, or shall receive or take the rents, issues, and profits of the same, shall be deemed the owner or proprietor thereof, and shall be liable to the penalties and punishments herein-after expressly inflicted against the owners or proprietors of such irregular buildings as aforesaid.

Persons in possession of buildings erected contrary to Act or receiving the profits deemed the proprietors, and liable to the penalties.

9. That if the owners or proprietors of any land whereon any kitchen, chimney, oven, or stove shall be erected or built contrary to the directions of this Act, or whereupon any irregular kitchen, chimney, oven, or stove erected or built contrary to the rules herein-before prescribed shall remain beyond the time herein-before limited for altering or removing the same, shall not be resident upon this Island, that then the attorneys or agents of such owners or proprietors, or the person or persons who shall direct the building of any such irregular kitchens, chimnies, oven, or stove, or shall neglect or refuse to pull down or alter the same within the time herein-before limited for that purpose, shall be liable and subject to the same penalties and punishments as the owners or proprietors of such land would have been liable or subject to if he, she, or they were inhabitants of this Island.

If proprietors absent their attorneys or agents or persons directing the building or refusing to pull it down liable.

10. That if any tenant shall refuse to permit and suffer the owner or proprietor of any such irregular building, or his, her, or their workmen and servants, at seasonable times, and in the daytime, to enter upon the lands or buildings in the occupation of such tenant in order to comply with the rules and directions herein-before prescribed, or shall refuse to permit and suffer such owner or proprietor, his workmen or servants, to alter or pull down such irregular buildings as aforesaid, every person or persons so refusing shall suffer the same penalties and punishments as the owner or proprietor of such irregular buildings would have been subject and liable to if he, she, or they had wilfully neglected or refused to pull down or amend the same.

Tenant preventing proprietor from complying with Act liable.

11. That if any action, plaint, suit, information, or indictment shall at any time be commenced or prosecuted against any person or persons for what he, she, or they shall do in pursuance of or in execution of this Act, such person or persons so sued or prosecuted in any court whatsoever shall and may plead the general

Persons sued for anything done under Act may plead general issue and give Act in evidence;

on prosecution failing to recover treble costs.

Justice of peace, on complaint, to issue warrant to provost marshal to summon offender against Act, to appear in two days.

On offender's not appearing and entering into recognizance in 100*l.*, or appearing and refusing recognizance, justice to issue another warrant for summons of jury, and prosecutor's witnesses.

*Justice issuing warrant to give notice to other justice of peace six days before trial. Justice not attending to forfeit 50*l.**

Before issuing warrant for summons of jury, justices to have oath from prosecutor stating belief of offence complained of.

Form of swearing jury and witnesses and entering verdicts.

issue, and upon any issue joined may give this Act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit or suffer discontinuance, or if a verdict pass against him or her, the defendant or defendants shall recover their treble costs, for which they shall have the like remedy as in any case where costs by law are given to defendants.

12. That it shall and may be lawful to and for *any one of His Majesty's justices of the peace for this Island* upon complaint, made to him of any offence committed, done, or suffered against this Act, to issue a warrant under his hand and seal directed to the provost marshal of this Island or his lawful deputy thereby requiring him to summon such offender or offenders to appear before him and *one other justice of the peace* within two days after service of such summons to answer the complaint exhibited against him, her, or them, and if such offender or offenders shall not appear within the time herein-before limited, and enter into a recognizance in the sum of one hundred pounds conditioned for the observance and performing of the several rules and directions herein-before mentioned and prescribed within twenty days after the taking or acknowledging thereof, *or if such offender or offenders shall appear and deny the charge and refuse to enter into the recognizance aforesaid*, that then the justice as aforesaid upon proof of the service thereof shall and may issue another warrant under his hand and seal directed to the provost marshal or his lawful deputy, thereby requiring him to summon twelve good and lawful men, being freeholders of the said town of Saint John, to appear at the court house in the said town of Saint John upon the day and at the hour in such warrant mentioned to inquire of the truth of the information exhibited as aforesaid, and also to summon such person or persons as the informer or prosecutor shall think proper to appear at the same time and place and give evidence touching the same.

13. That the justice who shall issue such warrant shall immediately give notice in writing to *some other justice of the peace for the said Island* of the time appointed for such trial, which notice shall be served at least six days before the day of trial, and if any such justice shall refuse or neglect to attend at the time and place appointed, not having a sufficient excuse for such neglect or omission, he shall forfeit and pay the sum of fifty pounds, to be recovered by action, bill, plaint, or information in His Majesty's Court of Common Pleas or any other court of record held for this Island together with double costs of suit, such penalty to be to the use of the person or persons who shall sue for the same.

14. That before any warrant shall be issued to summon the jurors and witnesses as aforesaid, the justice who shall issue the same shall take the deposition of the informer or prosecutor upon oath, which shall be signed by the party making the same and shall set forth that the deponent doth verily believe that the person or persons against whom such complaint or information is exhibited as aforesaid have offended against this Act, and such deposition shall be lodged by the persons taking the same in the Secretary's office of this Island at least six days preceding the day of trial.

15. That the mode and manner of trying such information shall be as follows, that is to say, the jury summoned to try the same shall be sworn by either of the said justices well and truly to try the matter in question between the informer and defendant or defendants and to give a true verdict according to the evidence, and all witnesses before they shall be permitted to give any testimony touching such information shall be also sworn in like manner to speak the truth according to the best of their knowledge, and all verdicts found by the jury shall be written or indorsed upon the back of the information in like manner as is used in the Court of Common Pleas held for the said Island.

16. That the affirmation or affirmations of the people called Quakers shall be allowed and taken in all cases where any oath or oaths is or are directed to be taken by this Act instead of such oath or oaths, and shall be administered by the same person or persons as such oath or oaths is or are to be administered and every person making such affirmation who shall be convicted of wilful and false affirming shall incur and suffer the same pains and penalties as are inflicted and imposed by the common law of Great Britain upon persons convicted of wilful and corrupt perjury.

Affirmation of Quakers instead of oaths under Act.

False affirmation punishable as perjury by British common law.

17. That the person or persons making such information shall be deemed and taken as a good and competent witness or witnesses to prove any matter or thing upon the trial of such information, and the said justices or any two of them at the request of the informer or defendant are hereby authorized and required to cause any irregular building complained of as aforesaid to be viewed and measured by the jury summoned to try the said information, or any seven of them, and if any person or persons shall attempt to hinder such jurymen from viewing or measuring the same, such person or persons shall be immediately committed to the common jail of this Island by warrant under the hands and seals of the said justices, there to remain until such view shall have been taken by the jury as aforesaid without bail or mainprise.

Informer competent witness.

Justices at either party's request to cause building to be viewed and measured by jury.

Persons obstructing view or measurement to be committed till view taken.

18. That in case any person or persons shall make oath or give evidence in any cause depending before the said justices according to this Act whereby he, she, or they shall commit any wilful or corrupt perjury, and thereof be convicted according to law, every such person or persons shall incur and suffer the same pains and penalties as are inflicted and imposed by the common law of Great Britain upon persons convicted of wilful and corrupt perjury.

Perjury in cause depending according to Act to be punished as perjury by common law of Great Britain.

19. That if any jurymen or witness who shall be summoned to appear before the said justices in pursuance of this Act shall neglect or refuse to appear according to the direction of the summons, or appearing shall refuse to be examined on oath touching the premises, and no just excuse shall be offered for such neglect or refusal, every person so offending, upon proof on oath of such summons having been served on him, her, or them, shall for every such offence forfeit and pay the sum of twenty pounds, to be levied and recovered as herein-after directed.

Jurymen or witness not appearing on summons, or refusing to be examined on oath, to forfeit 20*l.*, recoverable as in s. 26.

20. That it shall and may be lawful to and for any *two justices of the peace of this Island* to hear and determine all offences committed against this Act, and upon trial of any information, if the jury shall find the defendant or defendants guilty of the offence or offences charged against him, her, or them, to issue a warrant under their hands and seals directed to the provost marshal of this Island, thereby commanding him to take the body or bodies of such defendant or defendants and keep him, her, or them confined in the common gaol of this Island until he, she, or they shall have paid into the hands of the Treasurer of this Island or his lawful deputy the sum or sums of money specified in such warrant, and upon a certificate under the hand and seal of such Treasurer or his lawful deputy that the person or persons so confined have paid such penalty or forfeitures, he, she or they shall be immediately discharged.

Power to any two justices of peace to hear and determine offences under Act, and on conviction of defendant to issue warrant for his imprisonment by marshal till fine paid.

No. 169, ss. 33, 34.

21. That if a sufficient number of justices or jurymen shall not appear at the day appointed to try the information, or if the informer or prosecutor shall declare upon oath that a material witness or witnesses having been duly summoned is or are absent, that then the said justices or any one of them shall adjourn the further hearing of such information or complaint for any number of days not exceeding seven days, and so from time to time as occasion shall require, and such witnesses or jurymen neglecting or refusing to attend at the time

If justices or jurymen fail to appear, or informer makes oath material witness is absent, justice to adjourn hearing not exceeding seven days.

appointed by such adjournment shall incur and pay the same penalties and forfeitures as if he, she, or they had neglected or refused to attend upon the original summons.

Justices, if defendant found guilty by jury, to impose fine of 50*l.* max., 10*l.* min., recovered as in s. 26, but applied by Treasurer as Legislature directs.

Defendant also to pay fees in clause.

[Fees of marshal and secretary since abolished.]

See also Nos. 221, 226.

If defendant acquitted, fees to be paid by Treasurer, &c.

Justices may punish contempts by fine not exceeding 5*l.*, or imprisonment till payment.

Justices may direct warrant to marshal to pull down in ten days buildings found by jury to be irregular.

Marshal neglecting, or person resisting him, to forfeit 50*l.*, to informer, &c.

Costs of demolishing irregular buildings to be paid by Treasurer on order from justices.

22. That if the jury upon such trial shall find the defendant or defendants guilty of the offence charged in the information, that then such defendant or defendants so convicted as aforesaid shall forfeit and pay such sum of money as the said justices shall think proper, so as such sum do not exceed fifty pounds and be not under ten pounds, to be levied and recovered in manner herein-after mentioned, such penalty or forfeiture to be paid into the hands of the Treasurer of this Island for the time being, to be applied to such uses as the Legislature of this Island shall direct and appoint; and such defendant or defendants shall likewise pay the cost and charges following, that is to say, to *each of the said justices the sum of three pounds six shillings* to the provost marshal or his deputy for each person he shall summon the sum of three shillings, and for attending the trial the sum of three pounds; to the Secretary for receiving and filing each deposition or information the sum of three shillings, for attending the trial the sum of three pounds, and to each jurymen the sum of seven shillings and sixpence, which said fees or sums of money shall be paid by the Treasurer of this Island for the time being on an order signed by the said justices present at the trial, and shall be added to and recovered together with the penalty herein-before imposed upon the defendant or defendants; and if upon such trial the jury shall find the defendant or defendants not guilty, then the same fees shall be paid by the Treasurer of this Island upon a like order under the hands and seals of the said justices present at the trial, which orders or warrants with a receipt or receipts thereon indorsed shall be a sufficient voucher for the Treasurer in passing his public accounts.

23. That it shall and may be lawful to and for the said justices sitting upon the trial or hearing any plaint or information prosecuted according to the direction of this Act to punish all contempts committed against them by imposing upon such offender or offenders any fine or penalty not exceeding five pounds, and to commit such offender or offenders to the common gaol of this Island, there to remain without bail or mainprize until he, she, or they shall have paid the same.

24. That the said justices or any two of them shall by warrant under their hands and seals order and direct the provost marshal of this Island to pull down and demolish all such irregular buildings which a jury upon any information exhibited and prosecuted as aforesaid shall find to have been erected or continued contrary to the directions of this Act within ten days after the delivery or notice of such order or warrant; and if any person or persons shall resist the said marshal or his lawful deputy or those employed by him for that purpose in the execution of such order or warrant, or if such provost marshal or his deputy shall refuse or neglect to execute such order or warrant, he, she, or they so offending shall forfeit and pay the sum of fifty pounds for each offence, to be paid to the informer and recovered by warrant of any of the said justices, who is hereby authorized and required to commit such offender or offenders to the common gaol of this Island until he, she, or they shall pay the same.

25. That the costs, charges, and expenses attending the execution of any warrant issued for the pulling down or demolishing of any irregular building as aforesaid shall be paid by the Treasurer of this Island upon an order under the hands and seals of the said justices or any two of them, which order with a receipt thereon endorsed shall be a sufficient voucher for the Treasurer in passing his public accounts.

26. That all penalties or forfeitures imposed upon the jurymen or witnesses for neglecting or refusing to attend according to the direction of this Act shall be recovered by a warrant under the hand and seal of the justice before whom the original complaint or information was exhibited, directed to the provost marshal or his lawful deputy, thereby requiring him to take the body or bodies of such offender or offenders, and keep him, her, or them confined in the common gaol of this Island until he, she, or they shall have paid the sum or sums of money specified in such warrant, which said sum or sums of money are to go and be paid to and among such of the jury as shall appear at the time appointed by such summons or adjournment; and if none of such jury shall appear, then the informer or prosecutor and the provost marshal or his lawful deputy is hereby authorized upon receipt of the said sum or sums of money to discharge the person or persons paying the same out of his custody.

Penalties on jurymen or witnesses to be recovered by warrant to marshal directing their confinement till payment of penalty.

Sections 27 to 29 expired or repealed.

30. That all recognizances taken by virtue of this Act shall be immediately returned into the Secretary's office, and upon proof being made to the Court of King's Bench and Grand Sessions of the Peace held for this Island that the person or persons entering into such recognizance have broken or forfeited the same, such recognizances shall be proceeded upon in like manner as other recognizances are by law directed to be prosecuted and recovered.

Recognizances to be returned into Secretary's office; being broken, to be put in process as other recognizances.

No. 29.

AN ACT for the Prevention of Fraud and Perjury.

[Dated 22nd, published 23rd September 1786.]

Video Acts Nos. 68, 144, 157.

Preamble.

Act.

WHEREAS great abuses have prevailed for want of some Act of this Island for the further prevention of many fraudulent practices which are commonly endeavoured to be upheld by perjury and the subornation of perjury: We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Governor-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after three calendar months after publication hereof no action shall be brought whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default, or miscarriages of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such actions shall be brought or some memorandum or note thereof shall be in writing and signed by the party to be charged therewith, or some other person thereupon by him lawfully authorized.

No action to be brought on special promise of executors, &c. to pay damages out of his own estate, or of Defendant to pay debt of another, or on agreement of any person in consideration of marriage, or on contract for sale of lands, &c. or on any agreement not to be performed in a year, unless promise or agreement be in writing and signed by the party.
No. 157, s. 37.
23 Car. 2. c. 3, s. 4.

2. That from and after the expiration of the said three calendar months no contract for the sale of any goods, wares, and merchandises for the price of twenty pounds current gold and silver money of this Island or upwards shall be allowed to be good, except the buyer shall accept part of the goods so sold and actually receive the same or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said

No contract for sale of goods, &c. to the value of 20l. or upwards, good, unless buyer receive part, or give earnest, or memorandum be signed.
Video Act No. 68, s. 7, 1

Devises of lands, &c. to be in writing and signed, in presence of one witness, by devisor, or by third person under devisor's express direction, or to be wholly written by devisor.
29 Car. 2. c. 3. s. 5.
This and other sections repealed by No. 144, s. 2.

29 Car. 2. c. 3. s. 6.
No devise of lands, &c. revocable unless testator or some person by his direction burn it, &c., or testator sign revocation or alteration in the presence of one witness, or sign alteration written wholly by himself.

25 Geo. 2. c. 6. s. 1.
If person attest will, &c. to whom any beneficial devise, &c. be therein made, will void as to him, &c.

25 Geo. 2. c. 6. s. 2.
If will charge land, &c. with debts, creditor having a debt charged may witness it.

25 Geo. 2. c. 6. ss. 3, 4.
Interested witness to will having, before he gives testimony, accepted or released, or after tender refused legacy, a competent witness.

bargain be made and signed by the parties to be charged by such contract or their agents thereunto lawfully authorized.

3. That from and after the expiration of the said three calendar months all devises and bequests of any lands or tenements shall be in writing and signed by the devisor or by some other person in his presence, and by his express directions, as his last will and testament in the presence of one credible witness, who shall attest and subscribe the same in the presence of the said devisor, or shall be wholly written, dated, and subscribed by the proper hand of the said devisor, or else shall be utterly void and of none effect.

4. Had its effect.

5. And moreover no devise in writing of lands, tenements, or hereditaments, nor any clause thereof, shall at any time (after the expiration of the said three calendar months) after publication thereof be revocable otherwise than by some other will or codicil in writing or other writing declaring the same, or by burning, cancelling, tearing, or obliterating the same by the testator himself or in his presence and by his directions and consent, but all devises and bequests of lands, tenements, and hereditaments shall remain and continue in force until the same be burnt, cancelled, torn, or obliterated by the testator or his directions in manner aforesaid, or unless the same be altered by some other will or codicil in writing or other writing of the devisor, signed in the presence of one witness, who shall attest and subscribe the same in the presence of the said devisor as his last will and testament, or unless the same be altered by some other will or codicil in the handwriting of the devisor, dated and subscribed by him, declaring the same, any former law or usage to the contrary notwithstanding.

6. That if any person shall attest the execution of any will or codicil which shall be made after the expiration of three calendar months after the publication hereof, to whom any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges on lands, tenements, or hereditaments for payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall so far only as concerns such person attesting the execution of such will or codicil or any person claiming under him be utterly null and void, and such person shall be admitted as a witness to the execution of such will or codicil within the intent of this Act, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will or codicil.

7. That in case by any will or codicil any lands, tenements, or hereditaments are or shall be charged with any debt or debts, and any creditor whose debt is so charged hath attested or shall attest the execution of such will or codicil, every such creditor notwithstanding such charges shall be admitted as a witness to the execution of such will or codicil within the intent of this Act.

8. That if any person shall attest the execution of any will or codicil which shall be made after the expiration of three calendar months after the publication hereof, to whom any legacy or bequest shall be thereby given, whether charged upon lands, tenements, or hereditaments or not, and such person before he shall give his testimony concerning the execution of any such will or codicil shall have been paid or have accepted or released or shall have refused to accept such legacy or bequest upon tender made thereof, such person shall be admitted as a witness to the execution of such will or codicil within the intent of this Act, notwithstanding such legacy or bequest: Provided, that in case of such tender and refusal as aforesaid such person shall in nowise be entitled to such legacy or bequest, but shall be for ever afterwards barred therefrom, and in

case of such acceptance as aforesaid such person shall retain to his own use the legacy or bequest which shall have been so paid, satisfied, or accepted, notwithstanding such will or codicil shall afterwards be adjudged or determined to be void for want of due execution or for any other cause or defect whatsoever.

9. That in case any such legatee as aforesaid who shall attest the execution of any will or codicil which shall be made after the expiration of three calendar months after the publication hereof shall die in the lifetime of the testator, or before he shall have received or released the legacy or bequest so given to him as aforesaid and before he shall have refused to receive such legacy or bequest on tender made thereof, such legatee shall be deemed a legal witness to the execution of such will or codicil within the intent of this Act, notwithstanding such legacy or bequest: Provided always, that the credit of every such witness so attesting the execution of any such will or codicil in any of the cases in this Act before mentioned and all circumstances relating thereto shall be subject to the consideration and determination of the court and jury before whom any such witness shall be examined or his testimony or attestation made use of or of the court of equity in which the testimony or attestation of any such witness shall be made use of in like manner to all intents and purposes as the credit of witnesses in all other cases ought to be considered of and determined.

10. That no person to whom any beneficial estate, interest, gift, or appointment shall be given or made which is hereby enacted to be null and void as aforesaid, or who shall have refused to receive any legacy or bequest on tender made as aforesaid, or who shall have been examined as a witness concerning the execution of such will or codicil, shall after he shall have been so examined demand or take possession of or receive any profit or benefit of or from such estate, interest, gift, or appointment so given or made to him in or by any such will or codicil, or demand, receive, or accept any such legacy or bequest, or any satisfaction or composition for the same, in any manner or under any pretence or colour whatsoever.

11. And for prevention of fraudulent practices in setting up nuncupative wills which have been the occasion of much perjury, be it enacted by the authority aforesaid, That from and after the expiration of the said three calendar months, no nuncupative will shall be good where the estate thereby bequeathed shall exceed the value of sixty pounds current gold and silver money of this Island, that is not proved by the oath of one witness at the least that was present at the making thereof, nor unless it be proved that the testator at the time of pronouncing the same did bid the person present bear witness that such was his will, or to that effect, nor unless such nuncupative will were made in the time of the last sickness of the deceased and in the house of his or her habitation or dwelling, or where he or she hath been resident for the space of ten days or more next before the making of such will, except where such person was surprised or taken sick being from his or her own home and died before he or she returned to the place of his or her dwelling.

12. That after six months next after the speaking of the pretended testamentary words no testimony shall be received to prove any nuncupative will except the said testimony or the substance thereof were committed to writing within six days after the making of the said will.

13. That no letters testamentary or probate of any nuncupative will shall be proved before the Governor-in-Chief or such other person having power to take the probate of wills till fourteen days at the least after the decease of the testator be fully expired, nor shall any nuncupative will be at any time received

Such witness having refused, after tender, to be barred legacy; having accepted it, to retain it, though will adjudged void.

25 Geo. 2. c. 6.

ss. 5, 6.

Interested witness dying in lifetime of testator, or before he shall have accepted or refused legacy, a legal witness, subject to the consideration of the court.

25 Geo. 2. c. 6. s. 7.

No person after refusing legacy, &c. by Act declared void, or after being examined as a witness, to receive bequest, &c. or any composition for bequest, &c. under will.

29 Car. 2. c. 3. s. 19.

No nuncupative will good where bequest exceeds 60*l*. unless proved by at least one person bidden to bear witness to it by testator, nor unless made in last sickness, &c.

29 Car. 2. c. 3. s. 20.

Six months after nuncupative will, no testimony good that was not committed to writing in six days after will pronounced.

29 Car. 2. c. 3. s. 21.

No probate to be granted till fourteen days after decease of testator, that the

widow or kindred may, if they think proper, enter caveat.

29 Car. 2. c. 3. s. 22. No will in writing concerning personal estate repealable by oral will, except proof be made by one witness at least, that in testator's lifetime same was committed to writing, read to, and allowed by him.

to be proved unless process hath first issued to call in the widow or next of kindred to the deceased, to the end they may combat the same if they please.

14. That no will in writing concerning any goods or chattels or personal estate shall be repealed, nor shall any clause, devise, or bequest therein be altered or changed by any words or will by word of mouth only, except the same be in the lifetime of the testator committed to writing, and after writing thereof read to the testator and allowed by him, and proved to be so done by one witness at the least.

No. 30.

AN ACT for compelling the Attendance of certain Peace Officers at the Courts of Common Pleas of this Island. [Dated 2nd March 1789.]

Preamble.

WHEREAS the attendance of peace officers as constables is frequently wanted to assist in preserving good order and necessary decorum in the Court of Common Pleas of this Island, such peace officers not being bound to attend by any law hitherto made: We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Commander-in-Chief for the time being of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That at every meeting of the said Court of Common Pleas two constables serving for the town of Saint John shall be and are hereby compelled to attend with their staves upon summons or notice duly issued to them by the provost marshal of the said Island or his lawful deputy, under such forfeitures and penalties for a neglect or default of such attendance in all respects whatsoever as the said Court is authorized and empowered to inflict on persons making default in appearance as jurors.

Act.
Two constables to attend sittings of Common Pleas.
Penalty for default same as jurors.

Marshal to summon constable by written notice four days previous.

No constable liable to attend twice till every other constable has attended once.

Marshal neglecting or partially summoning constables liable to penalties.

The Act referred to is expired.

2. That the said provost marshal or his said deputy is hereby required to summon at each meeting of the said court two constables of the said town, four days before the day of his appearance is required, by a short notice in writing directed to each constable, to be left at his usual place of abode in the manner directed for serving a summons to a juror.

3. Provided always, That no constable shall be liable to be summoned twice to such attendance as aforesaid until every other constable appointed to serve for the said town, and being actually resident on the Island, shall have been once summoned and attended accordingly.

4. That the said provost marshal or his said deputy neglecting to summon constables as hereby directed or partially summoning them, contrary to the proviso aforesaid, he the said provost marshal or his said deputy shall be liable to such fines to be inflicted, recovered, and applied in such manner as particularly is set forth and directed in and by the nineteenth clause of the Act of this Island, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, for the compelling the specific Performance of Money Contracts and an equitable Performance of other Contracts, and for the better regulating and settling due Methods for the Administration of Justice, and limiting a Time for executing Executions out of the Court of Chancery and other Courts in this Island, and more effectual support of Credit, and also divers other Acts for continuing, reviving, altering, and amending an Act for

" establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, for the compelling the specific Performance of Money Contracts and an equitable Performance of other Contracts, and for the better regulating and settling due Methods for the Administration of Justice, and limiting a Time for executing Executions out of the Court of Chancery and other Courts in this Island, and more effectual support of Credit," respecting a failure of duty in duly summoning jurors.

5. That no person serving as constable for the said town by reason of the attendance herein required shall be liable to be summoned as a juror at any of the said Courts of Common Pleas, and that all and every such person is hereby exempted and discharged from serving on juries at the said courts during his office as constable aforesaid, any law, usage, or custom to the contrary in anywise notwithstanding.

Constable attending courts exempted from serving on jury. No. 223, s. 3.

No. 31.

AN ACT for the more easy Recovery of Rent.

[Dated 23rd October 1789.]

WHEREAS it is necessary that the defects of the common law respecting the recovery of rent in this Island should be remedied: We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands in America for the time being, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of the same, That from and after the publication of this Act where any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the tenant or owner of the goods so distrained shall not within five days next after such distress taken, and notice thereof with the cause of such taking left at the chief dwelling house or other most notorious place of the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the provost marshal or deputy provost marshal according to law, that then and in such case after such distress and notice as aforesaid and expiration of the said five days the person distraining shall and may, with the provost marshal or deputy provost marshal or constable of the division or town where such distress shall be taken (who are hereby required to be aiding and assisting therein) cause the goods and chattels so distrained to be appraised by two sworn appraisers, whom such provost marshal or deputy provost marshal or constable is hereby empowered to swear, to appraise the same truly according to the best of their understanding, and after such appraisalment shall and may lawfully sell the goods and chattels so distrained for the best price that can be gotten for the same towards satisfaction of the rent for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisalment, and sale, leaving the overplus (if any) in the hands of the said provost marshal, deputy provost marshal, or constable for the owner's use.

2. That upon any pound breach or rescue of goods or chattels distrained for rent the person or persons grieved thereby shall in a special action upon the case for the wrong thereby sustained recover his and their treble damages and costs of suit against the offender or offenders in any such rescue or pound breach, any or either of them, or against the owners of the goods distrained, in case the same be afterwards found to have come to his use or possession.

3. Provided always, That in case any such distress and sale as aforesaid shall be made by virtue or colour of this present Act for rent pretended to be in

MADE PERPETUAL by Act of 2nd Nov. 1793 (No. 34), *et vide* No. 157, ss. 34, 35.

2 Will. & Mar. sess. 1. c. 5, s. 2. Act.

If tenant do not, in five days after distress for rent and notice, replevy, goods distrained to be appraised and sold.

Produce of sale to go in satisfaction of rent and expenses.

Surplus to owner.

2 Will. & Mar. sess. 1. c. 5, s. 4. On pound breach or rescue of goods distrained, person grieved to have action against offender, and treble damages, &c.

2 Will. & Mar. sess. 1. c. 5, s. 5.

If no rent due to person distraining, owner of goods to recover double damages and full costs.

8 Ann. c. 14. s. 1. Goods taken in execution not to be removed before payment of arrears to landlord, not exceeding one year's rent.

Party suing execution paying one year's rent may proceed to execution as before Act. Marshal to levy and pay plaintiff such rent with execution money.

8 Ann. c. 11. s. 2. If tenant remove goods to elude distress for arrears of rent, landlord may distress on them for five days wherever found.

11 Geo. 2. c. 19. s. 1.

8 Ann. c. 14. s. 3. That landlord cannot seize for arrears goods bona fide previously sold for a valuable consideration.

11 Geo. 2. c. 19. s. 2.

8 Ann. c. 14. s. 6.

Landlord may distress on tenant holding over after determination of lease.

8 Ann. c. 14. s. 7. Such distress must be in six months from end of lease during

arrear and due where in truth no rent is in arrear or due to the person or persons distraining, or to him or them in whose name or names or right such distress shall be taken as aforesaid, that then the owner of such goods or chattels distrained and sold as aforesaid, his executors or administrators, shall and may by action of trespass or upon the case to be brought against the person or persons so distraining, any or either of them, his or their executors or administrators, recover double the value of the goods or chattels so distrained and sold, together with full costs of suit.

4. That from and after the publication of this Act no goods or chattels whatsoever lying and being in or upon any messuages, lands, or tenements which are or shall be leased for life or lives, term of years, at will, or otherwise, shall be liable to be taken by virtue of any execution on any pretence whatsoever, unless the party at whose suit the execution is sued out shall before the removal of such goods from off the said premises by virtue of such execution or extent pay to the landlord of the said premises or his bailiff all such sum or sums of money as are or shall be due for rent of the said premises at the time of the taking such goods or chattels by virtue of such execution, provided the said arrears of rent do not amount to more than one year's rent; and in case the said arrears shall exceed one year's rent then the said party at whose suit such execution is sued out paying the said landlord or his bailiff one year's rent may proceed to execute his judgment as he might have done before the making of this Act, and the provost marshal or deputy provost marshal is hereby empowered and required to levy and pay to the plaintiff as well the money so paid for rent as the execution money.

5. That in case any lessee for life or lives, term of years, at will, or otherwise of any messuages, lands, or tenements upon the demise whereof any rents are or shall be reserved or made payable shall from and after the publication of this Act fraudulently or clandestinely convey or carry off from such demised premises his goods or chattels with intent to prevent the landlord or lessor from distraining the same for arrears of such rent so reserved as aforesaid, it shall and may be lawful to and for such lessor or landlord or any person or persons by him for that purpose lawfully empowered within the space of five days next ensuing such conveying away or carrying off such goods or chattels as aforesaid to take and seize such goods and chattels wheresoever the same shall be found as a distress for the said arrears of such rent, and the same to sell or otherwise dispose of in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord in and upon such demised premises for such arrears of rent, any law, custom, or usage to the contrary in anywise notwithstanding: Provided nevertheless that nothing in this Act contained shall extend or be construed to extend to empower such lessor or landlord to take or seize any goods or chattels as a distress for arrears of rent which shall be sold *bonâ fide* and for a valuable consideration before such seizure made, anything herein contained to the contrary notwithstanding.

6. And whereas tenants *per auter vie* and lessees for years or at will frequently hold over the tenements to them demised after the determination of such leases: And whereas after the determination of such or any other leases no distress can by law be made for any arrears of rent that grew due on such respective leases before the determination thereof: It is hereby further enacted, That from and after the publication of this Act it shall and may be lawful for any person or persons having any rent in arrear or due upon any lease for life or lives, or for years, or at will, ended or determined, to distress for such arrears after the determination of the said respective leases in the same manner as they might have done if such lease or leases had not been ended or determined: Provided

that such distress be made within the space of six calendar months after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due.

7. That where any distress is made for any kind of rent justly due, and any irregular or unlawful act is afterwards done by the party distraining or his agent, the distress itself shall not be therefore deemed unlawful nor the party a trespasser *ab initio*, but the party aggrieved by such unlawful act shall recover full satisfaction for the special damage thereby sustained and no more in an action of trespass or on the case, at his election, and if he recover in such action shall also have full costs of suit, but the tenant shall not recover in any such action if tender of amends hath been made by the party distraining or his agent before such action brought.

8. That in all actions of trespass or on the case brought against any person entitled to any kind of rents or services, or his bailiff or other person, relating to any entry by virtue of this Act or otherwise upon the premises chargeable with such rent or service, or to any distress or seizure or sale or disposal of any goods thereupon, the defendant may plead the general issue and give the special matter in evidence, and if the Plaintiff be nonsuited, discontinue, or have judgment against him, the defendant shall recover double costs of suit.

9. That in case any tenant or tenants for any term of life, lives, or years, or other person or persons who are or shall come into possession of any lands, tenements, or hereditaments by, from, or under or by collusion with such tenant or tenants, shall wilfully hold over any lands, tenements, or hereditaments after the determination of such term or terms and after demand made and notice in writing given for delivering the possession thereof by his or their landlords or lessors, or the person or persons to whom the remainder or reversion of such lands, tenements, or hereditaments shall belong, his or their agent or agents thereunto lawfully authorized, then and in such case such person or persons so holding over shall for and during the time he, she, or they shall so hold over or keep the person or persons entitled out of possession of the said lands, tenements, and hereditaments as aforesaid, pay to the person or persons so kept out of possession, their executors, administrators, or assigns, at the rate of double the yearly value of the lands, tenements, and hereditaments so detained for so long time as the same are detained, to be recovered in any of His Majesty's courts of record by action of debt, whereunto the defendant or defendants shall be obliged to give special bail; against the recovering of which said penalty there shall be no relief in equity.

10. And whereas great inconveniences do frequently happen to lessors and landlords in cases of re-entry for nonpayment of rent by reason of the many niceties that attend re-entries at common law; and forasmuch as when a legal re-entry is made the landlord or lessor must be at the expense, charge, and delay of recovering in ejectment before he can obtain the actual possession of the demised premises, and it often happens that after such a re-entry made the lessee or his assignee upon one or more bills filed in a court of equity not only holds out the lessor or landlord by an injunction from recovering the possession, but likewise pending the said suit do run much more in arrear without giving any security for the rents due when the said re-entry was made or which shall or do afterwards incur: For remedy whereof be it enacted, That in all cases between landlord and tenant as often as it shall happen that one half-year's rent shall be in arrear, and the landlord or lessor to whom the same is due hath right by law to re-enter for the nonpayment thereof, such landlord or lessor shall and may without any formal demand or re-entry serve a declaration in ejectment for the recovery of the demised premises, or in case the same

landlord's title, and while tenant in arrear is in possession.

See No. 157, ss. 34, 35.

11 Geo. 2. c. 19. s. 19. Distress not unlawful through subsequent irregularity, nor party a trespasser *ab initio*, but party aggrieved to recover satisfaction for the precise damage and no more, with full costs. 11 Geo. 2. c. 19. s. 20. Previous tender of amends to bar action.

11 Geo. 2. c. 19. s. 21. In actions of trespass &c. for entry or seizure by persons entitled to rent, Defendant may plead general issue, &c.; and, if suit fail, have double costs.

Tenant or person in collusion with tenant, holding over after expiration of term and notice in writing to deliver possession, to pay double the yearly value.

4 Geo. 2. c. 28. s. 1.

Recoverable by action.

Defendant to give special bail.

No relief in equity.

4 Geo. 2. c. 28. s. 2.

When half a year's rent due, landlord, having right of re-entry for nonpayment, may, without demand or re-entry, serve declaration in ejectment, or sfilx declaration, &c.

If, after judgment against casual ejector, &c. or on trial, it be proved by affidavit that distress equal to arrears was not on the premises, and that lessor in ejectment had power to re-enter, then such lessor to have judgment, &c. as if demand and re-entry had been made.

Lessee suffering ejectment without paying arrears and full costs, and without filing bill in six months, foreclosed relief, except by writ of error, and landlord to hold discharged of lease.

If verdict on ejectment for Defendant (Defendant confessing lease, &c.), Defendant to have full costs.

Nothing herein to bar right of mortgagee of lease, not in possession, paying arrears and costs in six months.

4 Geo. 2. c. 28. s. 3. Lessee filing bill in time not to have injunction, unless in forty days after Plaintiff's answer he deposit in court what Plaintiff swears due, with allowances, taxed costs, &c.,

to remain, or be paid on security to lessor as court directs.

Lessor in possession accountable only for what he *bonâ fide*,

cannot be served or no tenant be legally in actual possession of the demised premises, then to affix the same upon the door of any demised messuage, or in case such ejectment shall not be for the recovery of any messuage then upon some notorious place of the lands, tenements, or hereditaments comprised in such declaration in ejectment, and such affixing shall be deemed legal service thereof, which service or affixing such declaration in ejectment shall stand in the place and stead of a demand and re-entry; and if in case of judgment against the casual ejector or nonsuit for not confessing lease, entry, and ouster, it shall be made appear to the court where the said suit is depending by affidavit or be proved upon the trial, in case the defendant appears, that half a year's rent was due before the said declaration was served, and that no sufficient distress was to be found on the demised premises countervailing the arrears then due, and that the lessor or lessors in ejectment had power to re-enter, then and in every such case the lessor or lessors in ejectment shall recover judgment and execution in the same manner as if the rent in arrear had been legally demanded and a re-entry made; and in case the lessee or lessees, his, her, or their assignee or assignees or other person or persons claiming or deriving under the said lease shall permit and suffer judgment to be had and recovered on such ejectment and execution to be issued thereon without paying the rent and arrears, together with full costs, and without filing any bill or bills for relief in equity within six calendar months after such execution executed, then and in such case the said lessee or lessees, his, her, or their assignee or assignees, and all other persons claiming and deriving under the said lease, shall be barred and foreclosed from all relief or remedy in law or equity other than by writ of error for reversal of such judgment in case the same shall be erroneous, and the said landlord or lessor shall from thenceforth hold the said demised premises discharged from such lease; and if on such ejectment verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited therein, (except for the defendant or defendants not confessing lease, entry, and ouster,) then and in every such case such defendant or defendants shall have and recover his, her, and their full costs: Provided always, that nothing herein contained shall extend to bar the right of any mortgagee or mortgagees of such lease or any part thereof who shall not be in possession, so as such mortgagee or mortgagees shall and do, within six calendar months after such judgment obtained and execution executed, pay all rent in arrear and all costs and damages sustained by such lessor, person or persons, entitled to the remainder or reversion as aforesaid, and perform all the covenants and agreements which on the part and behalf of the first lessee or lessees are and ought to be performed.

11. That in case the said lessee or lessees, his or their assignee or assignees, or other person or persons claiming any right, title, or interest in law or equity of, in, or to the said lease, shall within the time aforesaid file one or more bill or bills for relief in any court of equity, such person or persons shall not have or continue any injunction against the *proceedings at law* on such ejectment, unless he, she, or they do or shall within forty days next after a full and perfect answer shall be filed by the lessor or lessors of the plaintiffs in such ejectment bring into court and lodge with the proper officer such sum and sums of money as the lessor or lessors of the plaintiff in the said ejectment shall in his, her, or their answer swear to be due and in arrear over and above all just allowances, and also the costs taxed in the said suit, there to remain till the hearing of the cause or to be paid out to the lessor or landlord on good security, subject to the decree of the court; and in case such bill or bills shall be filed within the time aforesaid, and after execution is executed, the lessor or lessors of the plaintiff shall be accountable only for so much and no more as he, she, or they shall really and *bonâ fide*, without fraud, deceit, or wilful neglect make of the demised premises

from the time of his, her, or their entering into the actual possession thereof; and if what shall be so made by the lessor or lessors of the plaintiff happen to be less than the rent reserved on the said lease, then the said lessee or lessees, his, her, or their assignee or assignees, before he, she, or they shall be restored to his, her, or their possession or possessions, shall pay such lessor or lessors, or landlord or landlords what the money so by them made fell short of the reserved rent for the time such lessor or lessors of the plaintiff, landlord, or landlords held the said lands: Provided always, and be it further enacted and ordained, that if the tenant or tenants, his, her, or their assignee or assignees, do or shall at any time before the trial in such ejectment pay or tender to the lessor or landlord, his executors or administrators, or his, her, or their attorney in that case, or pay into the court where the same cause is depending all the rent and arrears together with the costs, then and in such case all further proceedings on the said ejectment shall cease and be discontinued; and if such lessee or lessees, his, her, or their executors, administrators, or assigns shall upon such bill filed as aforesaid be relieved in equity, he, she, or they shall have, hold, and enjoy the demised lands according to the lease thereof made without any new lease to be thereof made to him, her, or them.

12. And to obviate some difficulties that many times occur in the recovery of rents where the demises are not by deed, be it further enacted by the authority aforesaid, That from and after the publication of this Act it shall and may be lawful to and for the landlord or landlords where the agreement is not by deed to recover a reasonable satisfaction for the lands, tenements, or hereditaments held or occupied by the defendant or defendants in an action on the case for the use and occupation of what was so held or enjoyed, and if in evidence on the trial of such action any *parol demise* or any agreement (not being by deed) whercon a certain rent was reserved shall appear the plaintiff in such action shall not therefore be nonsuited, but may make use thereof as in evidence of the quantum of the damages to be recovered.

13. That this Act shall continue and be in force for the space of *three years* from the day of the publication hereof, and from thence to the next meeting of the Council and Assembly of this Island.

No. 32.

AN ACT for the more equal Distribution of Estates sold by virtue of Executions. CONFIRMED 21st October 1789, by the King in Council.
MADE PERPETUAL by Act of 22d May 1802 (No. 41), et vide Acts Nos. 33, s. 90, 69, s. 1, 214, ss. 13, 20, 23, 24.
[Dated 4th November 1786; Published 4th December 1790.]

WHEREAS the practice of confessing judgments by virtue of warrants of attorney which hath for many years generally prevailed in this Island of Antigua, although in many respects useful and proper doth nevertheless often occasion a very unequal distribution of the estates of the debtor, the whole of such estate being often applied to the satisfaction of the first writ of execution: And whereas a more equal distribution of the property of such debtors will not only in a great measure remedy the said grievance but also prevent many undue advantages which are often taken to procure a priority of execution: We, therefore, Your Majesty's loyal and obedient subjects the Governor-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the expiration of twelve calendar months next after the publication of this Act all monies received by the provost

Act.
 Monies raised by
 marshal under writ of

execution to be applied towards satisfying in equal shares with the first all writs of execution lodged in thirty-nine days after the first.

Surplus monies remaining with or coming to marshal after satisfaction of *first class* of executions to be applied towards discharging equally first writ not lodged in time for first class, and all writs lodged in thirty-nine days after first of *second class*.

Surplus monies remaining with or coming to marshal after satisfaction of *second class* of executions, to be applied towards the equal satisfaction of next subsequent class or classes, reckoning forty days to each class.

Single writ of execution not followed in thirty-nine days by any other writ of execution to have prior payment as a distinct class.

Act not to extend to executions or processes for debts to the Crown, nor to affect legal rules or forms in suing out executions.

marshal or deputy provost marshal of the Island of Antigua under or by virtue of any writ or writs of execution issued out of the Court of Common Pleas for the said Island shall be paid and applied by the said provost marshal or deputy provost marshal in manner following; (that is to say,) first, towards the payment and satisfaction of all such writs of execution as shall have been lodged in the office of the said provost marshal or deputy provost marshal within thirty-nine days next after the day upon which the first writ of execution against the defendant or defendants was lodged in the office of the said provost marshal or deputy provost marshal, in equal shares or proportions according to the amount of the several sums of money respectively due upon such executions, without any regard to the priority of time in which such writs of execution shall have been respectively lodged with the said provost marshal or deputy provost marshal.

2. That all surplus monies remaining in the hands of the provost marshal or deputy provost marshal after the satisfaction of the said first-mentioned class of executions, and all monies which shall thereafter come into the hands of the said provost marshal or deputy provost marshal, shall be paid and applied towards the equal discharge of all such other writs of execution against the said defendant or defendants as shall have been lodged in the office of the said provost marshal or deputy provost marshal within the space of thirty-nine days next after the day upon which the first subsequent writ of execution not included in the said *first class* or space of thirty-nine days shall have been lodged in the office of the said provost marshal or deputy provost marshal, without any other regard to the priority of time in which such writs of execution were respectively lodged in the office of the said provost marshal or deputy provost marshal.

3. That if any surplus monies shall remain after payment of the said *second class* of executions or shall thereafter come to the hands of the said provost marshal or deputy provost marshal, such surplus or other monies shall be paid and applied towards the equal satisfaction of the next subsequent class or classes of executions, including in each class such writs of execution as shall have been lodged in the office of the said provost marshal or deputy provost marshal within thirty-nine days of each other, such thirty-nine days to be computed from the day next after the day upon which the first writ of execution of each class was lodged in the office of the said provost marshal or deputy provost marshal, without any other regard to the priority of time in which the said writs of execution forming or included in such third or other subsequent class were respectively lodged in the office of the said provost marshal or deputy provost marshal.

4. That if any writ of execution shall be lodged in the office of the said provost marshal or deputy provost marshal at any time after the expiration of any or either of the said several terms of thirty-nine days, and no other writ or writs of execution shall be lodged in the office of the said provost marshal or deputy provost marshal within the thirty-nine days next following, then such single writ of execution shall be deemed and taken as a distinct and separate class, and such writ of execution shall be wholly paid and satisfied before any other writ or writs of execution not lodged as aforesaid within the said thirty-nine days or any other subsequent class of executions shall receive any part, share, or dividend whatsoever.

5. Provided always, That nothing in this Act contained shall extend or be construed to extend to any writ or writs of execution or other process issued for the recovery of any debt or duty to His Majesty, His heirs or successors, nor to any writ or writs of execution issued before the expiration of twelve calendar months next after the publication of this Act, nor to annul or alter any rules or regulations relating to the obtaining, issuing, or levying any writ or writs of

execution, nor to dispense with any deposition or form directed or required by any law or laws which now are or hereafter may be enacted or in force in this Island, nor to affect such writ or writs of execution, or the forms of proceeding thereon, in any further or other manner than is herein-before mentioned.

6. That this Act shall be and continue in force *for three years*, to commence at the expiration of twelve calendar months next after the publication thereof, and from thence to the next meeting of the Council and Assembly of this Island. *Act made perpetual by No. 41.*

7. That this Act shall not be published until His Majesty's assent thereto or confirmation thereof shall be duly signified. *Act not to be published till confirmed.*

No. 33.

AN ACT for establishing Courts of Common Pleas, Error, King's Bench, and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice. *[Dated 21st January 1791.]*

AMENDED by Acts Nos. 35, 79, 83, 92, 98, MADE PERPETUAL as amended by No. 107, and amended by Nos. 145, 157, 181, 214.

WHEREAS nothing can conduce more to the encouragement of trade and the support of credit, and effectually promote in all respects the welfare and reputation of this Island, than the establishing courts of judicature wherein the law may have its free course and justice be constantly and impartially administered: We, therefore, Your Majesty's most loyal and obedient subjects the Governor-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island of Antigua, humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That a Court of Common Pleas for the said Island of Antigua shall be established and held at the court house in the town of Saint John in the said Island which shall be a court of record and take cognizance of and hear and determine all civil actions whatsoever which shall hereafter be commenced and prosecuted therein, and also all suits already prosecuted in any Court of Common Pleas heretofore established in this Island and still remaining undetermined, with as full power and ample authority as the Court of Common Pleas held at Westminster.

Preamble.

2. That the said court shall consist of a chief justice and four other justices either already appointed or to be appointed from time to time by His Majesty, His heirs or successors, or by His said Majesty's Captain General and Governor-in-Chief or Commander-in-Chief for the time being of His said Majesty's Leeward Caribbee Islands in America, by commission or letters patent under the great seal of the said Leeward Caribbee Islands, which said justices or any one or more of them shall have full power to proceed upon, hear, try, and determine all causes and suits which shall hereafter be commenced and prosecuted in the said court, or which shall have been already commenced and prosecuted in any Court of Common Pleas heretofore established in this Island, except issues in law which shall be heard and determined in manner herein-after mentioned; and each of the said justices before he shall enter upon the execution of his office shall take the usual oaths required by Act of Parliament to be taken by persons in public offices and places of trust, and also the oath following in these words:

Act. Court of Common Pleas to be established.

Constitution of court. See Nos. 92, 98.

Judges to take, with usual oaths, following

' I A. B. (*naming himself*) do sincerely swear that I will not deny or delay justice to any person, but with my utmost care and diligence will perform the office of chief justice (*or justice*) of the Court of Common Pleas held for Antigua according to the best of my skill and knowledge in all matters which

Oath. See vide No. 98, s. 2.

‘ shall come before me to be heard and determined according to the laws and statutes of Great Britain in force in these Islands and the Acts of this Island and the general Acts of the Leeward Islands, without interest, partiality, prejudice, or affection.
So help me God.’

Vide Nos. 92, s. 9.
98, s. 2.

Which oath shall be administered to the chief justice in council who being duly sworn is hereby authorized and required to administer the same oath to each of his brethren so appointed as aforesaid, and in case of the absence of the chief justice from court, then the other justices or any of them may and are and is hereby authorized to administer the said oaths to each other: Provided always, nevertheless, that neither the chief justice or any other justice who was commissioned as chief justice or justices of the Court of Common Pleas of this Island established for this Island by the last Act of this Island for establishing the same courts shall be hereby deemed to be displaced or removed from the offices of chief justice or justices.

Courts when to be held, see No. 92, s. 11.
No. 181, s. 2.
No. 157, s. 58.
May be adjourned.

3. That the said court shall be held upon the first Tuesday in the months of *April*, *May*, *June*, *July*, and *August* next ensuing the date of this Act, and so annually afterwards in each year at the said court house in the town of Saint John in this Island, and so in every year, and the justices of the said court or any one or more of them are hereby empowered to adjourn the said courts, provided the time of such adjournment doth not extend to the time appointed for holding the next court, and that each adjournment of the last court shall not exceed ten days; and the provost marshal or his lawful deputy is hereby required to leave a notice in writing of the particular day to which such court is adjourned at the dwelling-house of every judge not present at the adjournment of such court at least forty-eight hours before the day to which the court is adjourned, and in default thereof the said provost marshal or his deputy shall be fined by the court in any sum not exceeding twenty pounds, and shall stand committed until he pays such fine.

Notice of adjournment.

No suit to be abated or discontinued by absence of justices.

4. That no action, suit, or process shall be abated or discontinued or put without day for or by reason of the absence of the justices of the said court; but the said justices may at any other time or times as there shall be occasion meet again and continue all such actions, suits, or process to any other day which they shall think proper.

Writs to be issued in King's name, and tested in chief or puisne judges.
No. 157, s. 57.

5. That all writs issuing out of this court shall run in His Majesty's name and be tested in the name of the chief justice for the time being, or in case of his death or absence from this Island in the name of the puisne judge of the said court in commission on the Island, and the same fee or fees shall be paid into the hands of the Secretary for the use of the justice as is or are or shall be due by law or docket.

Description of seal for process from Common Pleas.

6. That all writs and other process issuing out of the said Court of Common Pleas and all exemplifications of records remaining in the said court shall be sealed with a silver seal in the form of a circle (the diameter of which shall be one inch and two-tenth parts of an inch) with the following impression cut or made thereon, viz. within an inner circle of the diameter of one inch the form or figure of the Crown of Great Britain over the word “Antigua,” under which in the outward circle the figures 1791, and from thence in the same outward circle the words “Court of Common Pleas,” which said seal shall be provided by the Treasurer as soon as conveniently may be after the publication of this Act, and shall be constantly kept and remain in the Secretary's office of this Island, and shall be first used as a seal of the said Court of Common Pleas upon the 20th day of March next ensuing the publication of this Act, but in the meantime and until such seal can be procured all writs, process, and other things shall be sealed in the usual manner.

Seal to be provided by Treasurer to remain in Secretary's office.

7. That all writs and process issuing out of the said Court of Common Pleas (except writs of subpoena to give evidence, or other writs or process required by law to be directed to any other person or persons) shall be directed to the provost marshal of the said Island of Antigua or his lawful deputy, except where he shall be a party, and served by him or his lawful bailiff or bailiffs; and the said provost marshal or his deputy shall have the care and charge of the common gaol of this Island, and receive all persons lawfully committed to his custody, and shall also be answerable for all escapes of persons taken or committed upon or by virtue of any process whatsoever.

Writs and process to be served by marshal except where he is a party, &c.

No. 199, s. 28.

Marshal to have the care of gaol, and be answerable for escapes.

8. That no person shall be permitted to plead or practise the law in this Island, or give advice in any law matter whatsoever for gain or reward, until he hath, with the approbation of the Court of Common Pleas, qualified himself in the said court by taking the oaths required by Act of Parliament to be taken by persons in offices or places of trust, and also the following oath:

Qualification to plead or practise in the court.

No. 147.

‘ You shall swear that well and truly you will serve the King’s people and all others who shall legally retain you, according to the best of your knowledge and learning in the laws of Great Britain and the laws of this Island, and you shall truly counsel and advise them that shall retain you according to the best of your skill; and you shall not defer, protract, or delay their causes any way to their hurt or disadvantage, for the sake of making profit or gain thereby, nor for hope nor promise of reward from any other person.

Oath.

‘ So help you God.’

Certificate of the taking of which oath shall be filed in the Secretary’s office before any person shall be deemed qualified as aforesaid; and if any person or persons not duly qualified as aforesaid shall presume to give advice in any law matter whatever for gain or reward, such person or persons shall for each offence forfeit the sum of fifty pounds, to be recovered by action of debt, bill, plaint, or otherwise in the said Court of Common Pleas, one half of which said forfeiture shall go and be paid to His Majesty, His heirs or successors, towards defraying the public charges of this Island, and the other moiety to the person or persons who shall inform and sue for the same.

Certificate of oath to be filed.

Person not qualified as in clause giving advice in law matter to forfeit 50*l*.

9. That all actions or suits in the said Court of Common Pleas (except actions of ejectment and writs of Scire facias), where special bail is not required or cannot be demanded by virtue of this Act, shall be commenced by suing forth, from the Secretary’s office of the said Island of Antigua a writ of summons in the form following; videlicet,

All suits (except in ejectment and by writ of Scire facias) where special bail is not required to commence by suing from Secretary’s office.

No. 214, s. 3.

Writ of summons.

‘ George the Third, by the grace of God of Great Britain, France, and Ireland King, Defender of the Faith, &c. &c. To Our Provost Marshal of Our Island of Antigua, or his lawful deputy, greeting: We command you to summon *A.B.* to be and appear before the justices of Our Court of Common Pleas, to be held for this Island Antigua, the _____ day of _____ next, at nine of the clock in the forenoon of the same day, at the town of Saint John, then and there to answer *C.D.* of a plea of trespass upon the case (*or trespass, or debt, or otherwise, as the case may be*), and hereof you are not to fail, as you will answer the contrary at your peril. Witness *E.F.* Our Chief (*or senior*) Justice of Our said court.’

Which writ of summons shall be served upon the defendant or defendants in manner herein-after mentioned by the provost marshal of the said Island of Antigua or his deputy, or some other person or persons by him lawfully authorized, at least six days, including the day of service, before the sitting of the court wherein the said defendant or defendants are summoned to appear; and the Secretary and marshal shall be entitled to and receive the same fees upon

To be served by marshal, as in s. 10, six days before sitting of court.

See Nos. 221, 226.

issuing and serving the said writs of summons as they are now entitled to receive upon filing and serving declarations with writs of summons annexed; and the Secretary shall enter the names of the several plaintiffs and defendants in each action or suit in the same order in which the writs of summons are respectively issued, and shall number and file the declarations upon such writs of summons accordingly.

Writ to be served personally if Defendant found, otherwise at most usual abode.

If Defendant out of Antigua, on attorney or manager, or at attorney's or manager's abode; where no agent, nailing writ on south gate of court house good service.

Service to be before sunset.

Marshal to prove service, &c.

Declaration to be filed in forenoon of day preceding day of appearance and copy delivered to defendant applying, or writ to abate and defendant to recover *Sl. 6s. for costs.*

No process to issue in name of absentee unless there be a power of attorney from absentee proved and recorded in Secretary's office. *No. 226, s. 10.*
Absentee's attorney liable to costs.

Form and condition of bail bond. *No. 214.*

Appearance to be either by special bail to answer judgment,

10. That such writ of summons shall be served upon the defendant or defendants *in person*, if he, she, or they can be conveniently found, otherwise such writ of summons shall and may be left at his, her, or their *most usual place of abode*, but if the defendant or defendants be absent from this Island and hath or have any letter of attorney recorded in the Secretary's office of this Island, or is or are possessed of any plantation in this Island, then such service may be either upon the said attorney or upon the manager or overseer of such plantation in person, or by leaving the said writ of summons at the most usual place of abode of such attorney, or at the dwelling house of such manager or overseer; but if there be no letter of attorney recorded in the Secretary's office nor any manager or overseer then the nailing up the said writ or summons at the south gate of the court house shall be deemed good service thereof; and all services of such writs of summons either personally or otherwise shall be before sunset of the last day of service, or else shall be good only for the second court after that service, unless an appearance be entered at the first court or the service accepted by consent; and the marshal or his deputy or deputies who shall serve such summons shall prove the service of the same in court upon oath, and the time and manner of such service with the person's name by whom such service was made shall be entered at large in the Secretary's book.

11. That the plaintiff or plaintiffs who sue out any writ of summons as aforesaid shall in the forenoon of the day next before the day appointed for the appearance of the defendant or defendants cause a declaration upon such writ of summons to be filed in the Secretary's office of this Island and a true copy thereof to be delivered to such defendant or defendants if he, she, or they shall apply for the same, and in default thereof the said writ of summons shall immediately abate and all proceedings thereafter had thereon be held as null and void, and the said defendant or defendants shall recover the sum of three pounds and six shillings for costs to be recovered by a writ of execution as in other cases where costs are given or recovered.

12. And for the better prevention of litigious suits and for the securing of costs where any plaintiff or plaintiffs is or are absent from this Island, and that such suit may not be proceeded upon in the name of such person or persons without his, her, or their authority, be it enacted by the authority aforesaid, That no process whatever shall issue in the name of such person or persons who shall be absent from this Island, unless there be a power of attorney proved and recorded in the Secretary's office of this Island from such person or persons or any one of them, and the attorney or attorneys of such person or persons shall by order of the court be subject and liable to all the costs and charges of the suit in such manner as the plaintiff or plaintiffs might or would be was or were such plaintiff or plaintiffs personally present, such costs to be recovered by attachment or otherwise as the court shall direct.

Sections 13 to 18 repealed.

19. That the bail bond to the marshal shall be *conditioned for the appearance of the defendant at the next court to answer the action, &c.*, specifying in such condition the plaintiff's name, the nature of the action, and the sum; and it is declared that such appearance shall either be by giving special bail in court by the defendant and two sufficient sureties by recognizance conditioned to answer

and make good the judgment that shall be given in that action, or to surrender the defendant's body, as law shall require; and in case no such recognizance shall be given, and if the defendant's body be not surrendered at the same court and committed to the marshal's custody and the commitment entered in the Secretary's court book (which commitment and entry the defendant or his sureties are in such case at their peril to get done to save their bond), then such bond to be forfeited; and in case of forfeiture of such bond the bail bond shall be assigned on demand without further order by the provost marshal or his lawful deputy in a concise manner on the back by an indorsement signed and sealed in the presence of one or more witnesses to the plaintiff, his executors or administrators, and shall be suable in the name of the plaintiff, his executors or administrators, as assignees as aforesaid, and in declaring thereon no precise recital or producing need be of the assignment, but the plaintiff may declare as assignee or as executor or administrator of *A.B.*, assignee of *C.D.*, now or late provost marshal or deputy provost marshal of Antigua, as the case shall be; and the court may by rule or rules give such relief to the plaintiff and defendant in the original action and to the bail upon the same bond as is agreeable to justice and reason, and such rule or rules of the said court shall have the nature and effect of a defeazance of such bail bond.

or surrender of defendant's body.

If appearance not made as prescribed bond forfeited.

Bail bond, if forfeited, to be assigned on demand to plaintiff.

Latitude in declaring on it.

Court may give equitable relief against forfeiture of bail bond.

20. That the plaintiff shall have forty-eight hours and no longer after special bail put in sitting the court, and forty-eight hours and no longer after due notice of special bail put in before the Secretary or his deputy in his office to except to the defendant's bail, and if there be an exception the bail shall be obliged to justify on oath in court or before one of the justices of the said court at his chambers, and the exception shall be entered in the Secretary's book under the bail given, and notice thereof in writing given to the defendant or his counsel within the same forty-eight hours, and if no justification within four days after such notice then upon affidavit of such notice of exception made before a judge and filed in the Secretary's office the bail so given in court or before the Secretary shall be no bar or discharge of the bail bond to the marshal, and no notice shall be required of the bail given in court; and a defendant committed for want of special bail and afterwards giving special bail and due notice of giving thereof, and such bail allowed and not excepted to in time, shall on motion in court or before one of the said judges in his chamber be discharged, first giving twenty-four hours notice in writing to the plaintiff or his counsel of the time and place of such motion.

Plaintiff, after special bail put in in court, or notice of its being put in before Secretary, to have forty-eight hours to except to bail.

On notice of exception bail to justify on oath.

Bail in court, &c. not justified in four days, no discharge of bail bond.

Defendant, after committing obtaining special bail, to be discharged on motion, &c.

21. That where special bail is not given sitting the court at the next court precisely according to the condition of the bond given to the marshal, yet special bail may be given by recognizance before the Secretary or his deputy, each of whom is hereby empowered to take the same in his office when the court is not sitting, so that notice be given in writing to the plaintiff or his counsel of the names and abode of the persons being bail before the Secretary at least twenty-four hours before the giving such bail, that they may be excepted to if thought proper, so as such bail to be given before the Secretary be given before judgment had on the bail bond; but after process on the bail bond the same bond shall not be discharged without paying full costs and an order of court for discharging the same: Provided always, that if more than one action is brought on such bail bond no more than one counsel's fee for one action shall be allowed in costs.

Special bail may be given before Secretary.

Twenty-four hours notice for plaintiff to except.

Bail must be given before judgment had on bail bond.

Only one action on bail bond to be allowed in costs.

22. That no writ of *Seire facias* shall issue or other suit or process be had upon any recognizance of bail until a writ of execution hath been issued against the defendant or defendants for whom special bail hath been given and such execution hath been returned in the Secretary's office; and if any monies shall

No *Seire facias* to issue on recognizance of bail until execution against Defendant issued and returned;

and monies raised under execution to go in discharge of recognizance.

Bail may surrender principal at any time before judgment against bail.

Manner of surrender.

Process against bail not to be discharged till bail pay 5*l*. costs, other costs awarded, and officer's fees.

Plaintiff to declare against defendant in custody in six days after notice ;

or defendant may by order of judge be discharged with costs.

Plaintiff when to declare where plurality of defendants, some bailed and some in custody for want of bail.
No. 214.

be levied or received by the provost marshal or his deputy under or by virtue of the said writ of execution the bail may plead the same, and the plaintiff or plaintiffs shall only recover judgment for so much as remains due upon the said recognizance after deducting the monies levied or received as aforesaid.

23. That the bail may surrender the principal at any time before judgment recovered against them, and such surrender shall be by actually delivering him into the custody of the marshal at the common gaol; and the marshal or his deputy shall be obliged to give a receipt under his hand for the persons so surrendered, with the day and year of the surrender, or be liable to the party injured in an action on the case for all damages, and an affidavit of such surrender, duly made and sworn before a judge in his chamber, and filed in the Secretary's office, with the said receipt annexed, and an entry which the Secretary shall make of such surrender under the recognizance of bail, specifying the day and year of surrender mentioned in the marshal's receipt, shall be a full discharge of the bail: Provided always, that in case of such surrender the Scire facias or process against the bail shall no way be discharged without first paying in court five pounds costs thereon and such further costs as the court shall award, and also the officer's fees incidental to the surrender which they are or shall be lawfully entitled to receive.

24. That in all cases (except as herein-after provided) where any defendant or defendants shall be in custody of the marshal by virtue of any writ issued out of the said Court of Common Pleas, either for want of special bail or by being surrendered to the marshal by the bail as aforesaid, and shall give notice to the plaintiff or plaintiffs in the action, or his, her, or their counsel, in writing, signed by such defendant, or his, her, or their counsel, of being in custody and demand a declaration, the plaintiff or plaintiffs shall in six days after being served with such notice (exclusive of the day of service) file a declaration in the Secretary's office of this Island against such person or persons so in custody, in order that the cause may be brought to a trial as soon as may be; and in case the plaintiff or plaintiffs shall neglect to file such declaration within the time aforesaid any justice or justices of the said court in open court, or any of the said justices at his chamber, may by order to the marshal or his deputy, to be entered in the Secretary's court book, discharge such person out of custody upon due proof being made by affidavit of the service of the notice hereby required, and on certificate being produced, signed by the said Secretary, of no declaration being filed in his office by the said plaintiff or plaintiffs against the said defendant or defendants within the time aforesaid; and such justice or justices in open court or justice at his chamber shall by the said order direct the person or persons who sued out the said writ to pay to the said defendant or defendants, his, her, or their costs occasioned by the said arrest and the subsequent proceedings before the justice or justices as aforesaid, to be taxed by the said Secretary; and in case the said plaintiff or plaintiffs who sued out the said writ shall refuse immediately to pay to the said defendant or defendants such costs, then an execution shall issue for the same against such plaintiff or plaintiffs and be proceeded upon in the same manner as executions for costs have been hitherto proceeded on: Provided always, that where there are two or more defendants to the action, and one or more of such defendants shall give bail for his or her appearance at the next court after such writ sued out, and one or more of such defendants shall be in custody of the marshal for want of such bail for his or her appearance at the said court, that in such case the plaintiff or plaintiffs shall not be obliged to file a declaration against the person or persons in custody until the bail for the appearance of the other defendant or defendants shall either give special bail as aforesaid or surrender up the person or persons for whom such bail

for appearance was given; but if such special bail be given for the defendant or defendants out of custody then such bail shall immediately receive a declaration in the original action against the person or persons for whom such bail was given, and the cause shall proceed to trial against all the defendants at the court when such special bail was entered into, unless the plaintiff or plaintiffs shall, by motion in open court, pray to be allowed a further day to file such declaration, which the court is hereby empowered to allow or disallow, so that such indulgence does not exceed six days at farthest from the day on which the said motion was made; and where such special bail shall be given out of court, or such defendant or defendants for whom bail for his or her appearance as aforesaid was given, be surrendered to the custody of the marshal, then the declaration against such defendant or defendants shall be filed within the time herein-before mentioned; and all the remedies hereby given to a person in custody where but one defendant, in case of the plaintiff or plaintiffs neglecting to proceed in the cause, shall extend in like manner to every such defendant for whom special bail shall be given out of court, or who shall be surrendered up after bail given for his or her appearance as aforesaid.

Court on motion may grant plaintiff six days further to declare.

If bail made special out of court, or surrender made to marshal, declaration as in first part of clause.

25. Provided always, That nothing herein-before contained shall extend or be construed to extend to oblige any heir, executor, or administrator to give special bail, except in such cases where it is required by the common law or statutes of England in force in this Island.

Act not to oblige heirs or executors to give special bail except where law of England in force in Antigua requires it.

26. And whereas some persons fraudulently quit this Island without paying debts due from them, and yet leave attorneys to receive debts due to themselves, and other persons after actions brought against them receive monies due to them and waste or secrete the same, whereby creditors after the trouble and expense of obtaining judgment at law cannot find any estate or effects to satisfy the same: Be it therefore enacted and ordained by the authority aforesaid, That all debts due or owing to any defendant or defendants absent or present shall or may be attached or charged in the hands of such debtor or debtors immediately after any writ of summons or writ of *Capias* against such defendant or defendants hath been sued out and delivered to the provost marshal or his deputy, or a declaration filed in the Secretary's office against such defendant or defendants in manner following; (that is to say,) the plaintiff or plaintiffs or some or one of them, or his, her, or their attorney or attorneys shall make an affidavit or deposition of the sum of money due and owing from such defendant or defendants according to the best of the knowledge and belief of the deponent and deponents before some justice of the said Court of Common Pleas, which affidavit or deposition shall be filed in the said Secretary's office and a true copy of such affidavit or deposition delivered unto the debtor or debtors of the said defendant or defendants, or his, her, or their attorney or attorneys, or left at his, her, or their most usual place of abode, together with a notice in writing signed by the counsel of the plaintiff or plaintiffs attaching all monies then due or thereafter to become due from the said defendant or defendants or any or either of them, as the case shall require, and requiring the person or persons upon whom such attachment shall be made or to whom such notice shall be directed to keep and retain in his, her, or their hands the said monies or so much thereof as will be sufficient to pay and satisfy the sum of money mentioned to be due in or by the said affidavit or deposition, and all interest due and to grow due thereon, if any interest payable or to grow due thereon, to be paid and applied according to law, or to the like purport or effect.

Debts due to any Defendant may be attached.

No. 214, s. 3.

Manner of laying attachment.

27. That such debtor or debtors or the person or persons upon whom such notice or attachment shall be served as aforesaid shall retain and keep in his, her, or their hands all and every sum and sums of money which at the time of serving

Debtor to defendant served with attachment to retain monies due till action determined.

After judgment monies attached to be recovered as under executions, s. 90, et seq. Debtor to repay monies paid to defendant after attachment.

No. 214, s. 14. Real estate sold after commencement of suit liable in hands of purchaser to sums recovered on suit. Repealed 27th May 1864.

If interlocutory order or decree or judgment had on suit in two years.

Personal estates secreted after commencement of suit liable.

Ejectments for real estate may be brought in feigned names, shaped after Common Pleas process at Westminster; where plantation stock, in same, not separate actions.

Defendants having separate claims to deliver separate particulars, and receive each a declaration.

such notice or attachment was or were due, or at any time afterwards shall or may become due or owing unto the defendant or defendants until the action or suit mentioned in the said notice or attachment hath been tried and determined and judgment given thereupon, so as that such trial and judgment be had in the usual time for trying and obtaining judgment in other actions, unless otherwise ordered by the court; and after judgment obtained the monies so attached shall and may be recovered in the same manner and form as is herein-after directed touching debts levied upon, under, or by virtue of writ or writs of execution, and if the debtor or debtors, after such notice or attachment, shall either directly or indirectly pay or cause to be paid, or discount or settle in any manner whatsoever any monies unto or to or for the use of the said defendant or defendants, such debtor shall be liable and compelled to pay the said debt or monies or so much thereof as may be necessary over again to the person or persons entitled to receive the same under or by virtue of this Act.

28. That all lands, tenements, hereditaments, rentcharges, and annuities issuing out of lands and tenements sold by the owner or owners thereof, *being persons exempt from arrest by virtue of this Act in civil actions*, after any action at law or suit in equity shall be commenced or brought against him, her, or them in any court of law or equity in this Island by filing a declaration or bill in Chancery in the Secretary's office of this Island, shall be chargeable with all such sum or sums of money as shall be actually and *bonâ fide* recovered on the said suit or suits so commenced against him, her, or them, either in law or equity; and all the lands, tenements, hereditaments, rentcharges, and annuities so alienated or otherwise disposed of are hereby declared liable to be taken and sold for the payment of the monies so recovered as if they had still remained in the actual custody and possession of the former proprietor or proprietors thereof unalienated or otherwise disposed of: Provided always, that all such suits in equity as shall hereafter be commenced by filing a bill shall be prosecuted so effectually as that either an interlocutory order or final decree shall be thereon had in two years after such bill filed, and all such suits at law hereafter to be commenced shall be so effectually prosecuted as that within two years after first entering thereof there shall be judgment thereon, or else such purchaser not to be any way bound or affected thereby.

29. That in case any person or persons after the commencement of any suit against him, her, or them shall place in the hands of any person in this Island or otherwise secrete any part of his, her, or their goods and chattels or other personal estate, the same shall be liable to be levied on as though they were in the defendant's own hands, provided such suit be brought to a hearing or judgment within the times herein-before mentioned.

30. That actions of ejectment may be commenced and brought to trial in *feigned names* for any lands or tenements in this Island, the proceedings thereon to be as near as may be to the practice of the Court of Common Pleas at Westminster; and where there are any coppers, stills, cattle, horses, asses, mules, and other live or dead stock upon or belonging to any plantation or plantations in this Island, the said plantation, coppers, stills, cattle, horses, asses, mules, and other live and dead stock shall and may be recovered altogether in one action of ejectment but not in separate actions; and if there are several defendants or tenants who claim separate parts or parcels of the lands, tenements, or other things sued for, each of such defendants shall give in writing under his, her, or their hands a note or description of the particulars which he, she, or they respectively claim, and a declaration or declarations shall be accordingly filed against such defendant or defendants respectively, which shall be tried and determined

as near as may be to the practice of the said Court of Common Pleas at Westminster.

31. That where any bill or bills of exchange hath been or shall be returned legally *protested* in Great Britain or elsewhere to the prejudice of any merchant, trader, or other person, it shall and may be lawful to and for any person so aggrieved or damaged thereby to commence an action on the case against the drawer or indorser of such bill or bills of exchange, and to recover upon such action interest after the rate of six *per centum per annum* on the same, besides the principal money, and also damages after the rate of ten *per centum*, such damages to be upon the principal sum only, and the interest to be computed from the day of the protest of the said bill until the day the jury shall find their verdict, and the principal sum for which the said bill was given shall carry interest at the rate of six *per centum* until the plaintiff shall be paid his debt and costs.

Protested bills of exchange to carry six per cent. interest till paid, with 10 per cent. on principal for damages.
No. 20, s. 5.

32. That all notes called promissory notes heretofore given or hereafter to be given payable to any person shall and may be recovered and sued for with full effect, although no consideration expressed in them for value received or otherwise; or if expressed for value received, and if made payable to drawer or order, then shall be assignable, indorsable, and negotiable and suable by, for, or against drawer or drawee, or indorser or indorsee, as if they were inland bills drawn according to the custom of merchants; and after demand and refusal to pay lawful interest shall be allowed by a jury against the drawer or indorser neglecting or refusing to pay the same from the time of the demand, and such notes may be declared on as near as reason permits to the manner of declaring on promissory notes or inland bills of exchange respectively as used now commonly in England; but actions thereon shall be within the Act or Acts of this Island made or to be made for limiting actions on assumpsit.

Promissory notes may be sued for though not expressed for value received.
Promissory notes for value received and payable to drawer or order assignable as inland bills of exchange.

But actions to be within legal limitations. See No. 14, s. 13; No. 157, s. 2.

33. That in all actions upon bond or bonds or for any penalty for nonperformance of covenants or agreements in any indenture, deed, or writing contained, the plaintiff or plaintiffs may assign as many breaches as he or they shall think fit, and the jury upon the trial of such action or actions shall and may assess not only such damages and costs of suit as have heretofore been usually done in such cases, but also damages for such of the said breaches so to be assigned as the plaintiff upon the trial of the issue shall prove to have been broken, and that the like judgment shall be entered upon such verdict as heretofore hath been usually done in such like cases; and if judgment shall be given for the plaintiff on a demurrer, or by confession or default, the plaintiff on the roll may suggest as many breaches of the covenants and agreements as he shall think fit, upon which shall issue a writ of summons to be formed for that purpose reciting the judgment and breaches briefly, and requiring the defendant to appear at the next court to attend the assessing damages on the several breaches, at which court the jury shall inquire of and assess damages, and if the defendant attend he may examine witnesses concerning the breaches on his own behalf, and if he make default to attend the same shall be inquired of by the jury at the same next court without further delay, and such summons shall be served by the marshal if the defendant be a freeholder *exempt from arrests*, and if not a freeholder and counsel appear for the defendant, then on the counsel, and if no counsel for the party, not being a freeholder, then to be nailed up at the south gate of the court house, and such service or nailing up to be in such time as a summons against a freeholder ought to be served; and in case the defendant or defendants after such judgment entered and before any execution executed shall pay into the court where the action shall be brought to the use of the plaintiff or plaintiffs, or his or their executors or administrators, such damages so to be assessed by

In actions on bonds for performance of covenants several breaches may be assigned.

Jury to assess, besides usual damages, damages for each breach proved.

Where judgment on demurrer, &c. plaintiff may suggest several breaches on roll.

Writ of summons requiring defendant to attend assessment of damages.

Manner of service.
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If damages satisfied and costs paid proceedings to cease.

But judgment to remain cautionary against further breach or damage.

(On further damage plaintiff may have Seire facias, suggesting breaches, and summoning defendant to show cause against execution. Other proceedings as before.

Where several plaintiffs or defendants, and one dies, action not to abate if cause of action survives.

Several pleas, not more than three, may be pleaded by leave of the court.

On demurrer opinion of court as to defendant's having probable cause for pleas to regulate costs.

Nothing in clause to extend to pleadings in case of felony or murder, or proceedings on penal laws.

No dilatory plea to be received without affidavit, or probable cause shown that plea is true.

English statutes relating to jeofails to be in force in Antigua.

In actions on bonds or bills penal payment

reason of all or any of the breaches of such covenants, together with the costs of suit, a stay of execution of the said judgment shall be entered upon record; or if by reason of any execution issued the plaintiff or plaintiffs, or his or their executors or administrators, shall be fully paid or satisfied all such damages so to be assessed, together with his or their costs of suit and all reasonable charges and expenses for executing the said execution, the body, lands, or goods of the defendant shall be thereupon forthwith discharged from the said execution, which shall likewise be entered upon record: But notwithstanding in each case such judgment shall remain, continue, and be as a further security to answer to the plaintiff or plaintiffs, or his or their executors or administrators, such damages as shall or may be sustained for further breach of any covenant or covenants in the same indenture, deed, or writing contained, upon which the plaintiff or plaintiffs may have a Seire facias upon the judgment against the defendant, or against his heirs or terre-tenants, or his executors or administrators, suggesting other breaches of the said covenants or agreements, and to summon him or them respectively to show cause why execution shall not be had or awarded upon the said judgment, upon which there shall be the like proceedings as were in the action of debt upon the said bond or obligation (or penal sum) for assessing of damages upon trials of issue joined upon such breaches, or inquiring thereof upon a writ to be awarded in manner as aforesaid, and that upon payment or satisfaction in manner as aforesaid of such future costs and damages and charges as aforesaid all further proceedings on the said judgment are again to be stayed and so *toties quoties*, and the defendant, his body, lands, and goods, shall be discharged out of the execution as aforesaid.

34. That if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated, but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

35. That it shall and may be lawful for any defendant or tenant in any action or suit or for any plaintiff in replevin with leave of the court to plead as many several matters thereto as he shall think necessary for his defence, so as he does not plead more than three pleas by pleading such several matters: Provided always, that if any such matter shall upon demurrer joined be judged sufficient, costs shall be given at the discretion of the court, or if a verdict shall be found upon any issue in the said cause for the plaintiff or defendant, costs shall be also given in the like manner, unless the court shall be of opinion that the said defendant or tenant or plaintiff in replevin had a probable cause to plead such matter, which upon the said issue shall be found against him: Provided always, that nothing herein-before contained shall extend to any writ, declaration, or suit of appeal of felony or murder, or to any indictment of treason, felony, or murder, or other matter, or to any process upon any of them, or to any writ, bill, action, or information upon any penal law or statute.

36. That no dilatory plea shall be received in any court of record unless the party offering such plea do by affidavit prove the truth thereof, or show some probable matter to the court to induce them to believe that the fact of such dilatory plea is true.

37. That all statutes made in England for the helping of jeofails or mispleadings shall be of force within this Island, as far as the same statutes, or any part of the same statutes, do provide for such jeofails or mispleadings only.

38. That in actions on bonds and bills penal for payment of less sums of money the defendant may plead payment of the money mentioned in the

condition generally, and need not plead it precisely at or before the day; and if issue be joined upon such plea the jury shall inquire what is due, and if the same be all paid shall find for the defendant, and if anything due, shall inquire and settle and find for the plaintiff what is due distinctly for principal and interest; and in such last case judgment shall go for the plaintiff for the penalty to remain cautionary, for the payment of the whole sum that shall be then due for principal and interest, with interest as aforesaid upon the whole principal sum then due from the day of the verdict until payment, unless otherwise stipulated in the condition or bill, in which case the interest to be accordingly.

39. That payment after judgment shall and may be pleadable to a Scire facias or debt on a judgment, and the jury shall inquire and settle what is due if the defendant plead such plea; and where there is money due from the defendant to the plaintiff, both on bond and specialty and on simple contract, or on specialty, bond, and judgment also, and payments have been made generally, such payments shall be adjudged and allowed and shall be applied as follows, viz., first towards the simple contract as far as necessary to discharge the same, but if there be no simple contract it shall be allowed as payment, first towards the bond or specialty, and if there be a judgment also, the last application shall be towards such judgment, unless there be a receipt or discharge in writing specifying it to be expressly towards the bond or towards the judgment, or that there was no simple contract or specialty due at the time such payment was made, whereto the application might be made.

40. That where there are mutual debts between any plaintiff or plaintiffs and defendant or defendants, or if either party sue or be sued as executor or administrator, where there are mutual debts due to or from the testator or intestate and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue or pleaded in bar, as the nature of the case shall require; so as where any such debt of the plaintiff or plaintiffs, or his, her, or their testator or intestate, is intended to be insisted on in evidence by the defendant or defendants notice shall be given in writing to the plaintiff or plaintiffs, or his, her, or their counsel or attorney six days before the trial of the cause (inclusive of the day of serving such notice) of the particular sum or debt so intended to be insisted on, and upon what account it became due, or otherwise such matter shall not be allowed in evidence upon the general issue; and to prevent all future disputes that may arise touching the matter so given in discount, the person or persons giving such notice of discount as aforesaid shall, immediately after the jury shall have given their verdict, make out an account of all such matters as shall be allowed by the jury upon such discount, which account shall be signed by the foreman of such jury and annexed to the proceedings in the cause where such discount shall be given, and filed and left in the Secretary's office of this Island, and there recorded at length among the proceedings in the said cause.

41. And whereas many plaintiffs are often desirous of declaring for or stating the damage in his, her, or their action at the sum or sums of money really due and owing upon a fair settlement of accounts, but are deterred therefrom lest the defendant or defendants should set off some debt or demand equal to or exceeding the balance or sum then demanded or sued for, and thereby compel the said plaintiffs to become nonsuit: And whereas it often happens that there have been very considerable dealings between such plaintiffs and defendants, but upon a fair settlement of accounts the balance or sum really due may be small or inconsiderable, and by reason of such plaintiffs declaring for such sum or sums of money as will be sufficient to include or cover the whole of his, her, or their debt or demand, without deducting therefrom or allowing for the sum or sums of

may be pleaded generally.

If sum paid jury to find for defendant; unpaid, or partly paid, jury to settle principal and interest. Judgment in last case to be for plaintiff and remain cautionary.

Payment after judgment may be pleaded to Scire facias or debt.

Where defendant indebted both on bond and simple contract and payments have been made generally, they are to be taken as made; first, on account of simple contract; secondly, of bond; lastly, of judgment.

Mutual debts between plaintiff and defendant may be set off;

so as notice and particulars of debt be delivered six days before trial.

Sum allowed by jury in discount to be recorded.

Plaintiff may declare for what is supposed to be due on balance.

If notice of set-off given plaintiff may give in evidence that sum offered to be set off has been already credited.

Jury to find for so much as on fair settlement appears due; if nothing due, to find for defendant.

In actions of assumpsit plaintiff to deliver account of demand in six days after request of defendant.

Special plea or demurrer to be filed fifteen days before next court after declaration, and notice given in thirty-six hours, or defendant to plead general issue.

Exception.

Replication or joinder in demurrer in five days;

rejoinder or demurrer thirty-six hours;

further pleadings thirty-six hours after notice of previous pleading.

Judgment against defaulter unless court enlarge time.

Pleadings to be signed by counsel.

money due to the defendant or defendants, such defendant or defendants have often been very much injured in their credit, and in consequence thereof other suits have been immediately commenced against them: Be it therefore enacted and ordained by the authority aforesaid, That it shall and may be lawful to and for any plaintiff or plaintiffs, if he, she, or they shall think proper in any action of trespass upon the case, to declare for or state his, her, or their damage at the sum or sums of money supposed to be then really due or owing from the defendant or defendants; and if such defendant or defendants shall give notice of an intention to make any set-off in or to such action, it shall and may be lawful to and for such plaintiff or plaintiffs at the trial of such action, or in any future action or suit between the same parties, or their or either of their representatives, to give in evidence and show to the jury that the sum or sums of money intended to be set off have been already discounted with and credited or allowed to such defendant or defendants in the account for the balance whereof the said action hath been brought or any former verdict or judgment obtained; and the jury upon the trial of such action shall find a verdict for so much as upon a fair settlement of accounts shall appear to be then actually due to such plaintiff or plaintiffs, or, if nothing shall appear to be due, shall find a verdict for the defendant or defendants.

42. That in all actions of trespass upon the case for goods sold and delivered, money had and received, lent or paid, laid out and expended, the plaintiff or plaintiffs, or his, her, or their counsel, shall within six days after a request in writing signed by the defendant or defendants, or his, her, or their counsel, deliver unto such defendant or defendants, or his, her, or their counsel, a note or account in writing of the particular charges or demands which such plaintiff or plaintiffs means or intends to insist upon or give in evidence at the trial of the cause, and the defendant or defendants shall not be compelled to appear or plead to the action until such account has been given, provided such request be made in due time so as not to occasion any delay in the proceedings or trial of the said cause.

43. That where any special plea or demurrer is pleaded or filed to any action or suit commenced in the said Court of Common Pleas, such special plea or demurrer shall be filed in the Secretary's office at least fifteen days before the holding of the next court after filing of the declaration, and the defendant or defendants, or his, her, or their counsel shall within thirty-six hours after the filing of such special plea or demurrer give notice to the plaintiff or plaintiffs, or his, her, or their counsel, of the filing thereof, or in default thereof the said plea or demurrer shall be set aside, and the defendant or defendants obliged to plead the general issue and go to trial at the said next court, unless the court upon good cause shown and payment of costs shall think proper to order such plea or demurrer to be accepted; and where any special plea or demurrer hath been duly filed the plaintiff or plaintiffs shall file a replication or joinder in demurrer within five days next after the day upon which notice was given of the filing such special plea or demurrer, and the defendant or defendants shall within thirty-six hours after notice of filing a replication file a rejoinder or demurrer; and if any further pleadings are had between the parties the same shall be respectively filed in the Secretary's office within thirty-six hours after notice given of a sur-rejoinder, demurrer, or other pleading from either party, or in default thereof judgment may be entered against the party so making default, unless the court upon cause shown and payment of costs shall think proper to enlarge or dispense with the time herein-before limited; and all declarations, demurrers, and other pleadings shall be signed before filing by some counsel qualified to practise in the said court as herein-before required.

44. That where any special verdict is found or demurrer joined in any cause or suit such special verdict or demurrer shall be heard, adjudged, and determined by the chief justice and any two of the justices of the said court on such days and times as shall be appointed by the court, and if there shall not be two justices in the said Island or either of the said justices shall be a party in the said suit, then by the said chief justice and any one of the justices not being a party in the said suit; but if it shall happen that the said chief justice shall be absent from the said Island, unable to attend, or a party in the said suit, then such special verdict or demurrer shall and may be heard, adjudged, and determined by any three justices of the said court, if there shall be so many present in the said Island of Antigua, and if not then by any two of the said justices; and if a sufficient number of justices shall not appear at the day appointed to hear the said verdict, demurrer, or special matter argued, then such default shall be no discontinuance, but any one justice may adjourn the court and appoint any other day for hearing the said verdict, demurrer, or special matter argued and giving judgment thereon, and so adjourn from time to time as occasion shall require; and in case no one justice shall appear at the day, then the cause shall not be discontinued for want of adjournment, but the chief justice, if no party, nor sick nor absent, may appoint another day and place on application of the plaintiff's or defendant's counsel by summons under his hand for hearing and determining the same, and so may the next senior judge in case the chief justice be party, sick, or absent; and there shall be at least six days between the issuing the summons and the time for hearing and determining, and four days notice (exclusive of the day of notice and the day of arguing) shall be given by a copy of the summons served on the other party or his counsel or left at either of their places of abode.

Special verdict or demurrer how to be determined.
No. 92, s. 7.

Six days at least between summons and hearing.
Notice to other party.

45. That in case any plaintiff shall neglect or refuse to prosecute his suit according to the rules or methods of the court where the same is depending as aforesaid, or become nonsuit or discontinue his suit without having made an agreement with the defendant, he shall pay costs to be taxed, for which an attachment shall issue, and the plaintiff to be brought in and close committed until he pays such costs or the court order otherwise, or the defendant may take execution for the same, to be proceeded upon as other executions for debt, costs, or damages.

Plaintiff neglecting to prosecute or discontinuing suit to pay costs.

46. That the plaintiff or defendant in any action or suit prosecuted in the said Court of Common Pleas may sue forth a writ of subpœna in order to compel such person or persons as may be thought necessary to appear and give evidence in the said Court of Common Pleas in any cause or suit therein depending, which said writ of subpœna may be served by any person on the witness or witnesses [*personally*] two days before the day preceeding the day of attendance by a copy and showing the original, without any tender or payment of charges; and if the witness make default to attend, not being sick or otherwise disabled, on due proof of the service of the subpœna, one or more of the justices of the said court then sitting shall and may impose a fine of ten pounds current gold and silver money upon such witness so subpœnaed and making default, for which fine the said justice or justices shall award an attachment against the body of such witness, who shall be imprisoned until payment be made of the said sum and of all gaol fees; and further, each witness so subpœnaed as aforesaid and making default shall forfeit fifty pounds current money of Antigua, to be recovered by attachment, specifying the cause and in the name of the party grieved, to which attachment a freeholder shall give special bail and may plead, and on an issue thereon joined it shall be tried by a jury as other actions, and on default, confession, or demurrer judgment shall go thereon as in other actions, and one moiety of the forfeiture if recovered shall be to the use of the party

Writs of subpœna to compel appearance of witnesses;

to be served three days before court day.

By No. 35, s. 9, necessity of personal service removed, and service at residence sufficient.

Witnesses neglecting to attend to be fined. [*See application, s. 221.*]

And to forfeit 50*l.* to party aggrieved, to be sued for by attachment.

Half to party grieved, half toward public fortifications.

grieved and the other moiety towards the building and repairing the fortifications of this Island, and the plaintiff if he recovers shall have costs and shall pay costs if nonsuited, a verdict against him, or he discontinue, or a judgment against him on demurrer or by default.

Witnesses to be allowed expenses if required in open court.

If material witness absent cause to be adjourned on party desiring it paying costs and producing oath of subpoena.

Affirmation of Quakers in civil causes.

See Act of Leeward Islands No. 27, and No. 132, ss. 10, 11.

Witness about to leave Antigua, or from infirmity, &c. unable to attend trial, may be examined before judge.

See s. 52.

Deposition to be evidence either at law or in equity.

Deposition after production in court to be recorded.

Summons for witness about to leave Antigua to give testimony before judge.

Service to be at least twelve hours before appearance.

Witness not appearing to be committed.

If either party (served twelve hours before with notice and copy of summons) do not attend deposition may be taken in his absence.

47. That witnesses be allowed their expenses by the party that summons them as shall be adjudged by the court if required in open court; and in case the evidence of such witness who shall not attend shall appear to the court upon oath to be material in the cause depending, the court is hereby required in all such cases to adjourn the hearing of the cause until the next court following in case the party for whom such witness should have appeared shall desire the same, paying to the other party at least twenty-eight shillings or more, if the court shall order it, for full costs and charges of the day, so that oath be made of due service of the subpoena on such witness or witnesses, or else the cause to proceed.

48. That in all civil causes the solemn affirmation of Quakers shall be taken and admitted instead of an oath as appointed by a General Act of the Leeward Islands, or as it is or shall be altered by subsequent statutes of Great Britain in all civil causes.

49. Repealed.

50. That in case any witness or witnesses in any cause or suit depending in the said court shall be about to depart from this Island or shall be aged or extremely sick, lame, or otherwise disabled from attending upon the trial of such cause, then the deposition of such witness or witnesses taken upon oath before the chief judge or any puisne judge of the said court in the presence of the plaintiff and defendant or their counsel, or in the presence of either of them or his or her counsel, where the other party make default after due summons as herein-after directed, shall be held, taken, and esteemed good and sufficient evidence in law in that cause or any other cause for the same thing at common law or in equity between the same parties, their heirs, executors, administrators, or assigns, and the same deposition shall be recorded after it is produced in court in the Secretary's office of Antigua among the proceedings in that cause at the expense of the party producing it, and a copy of that record shall be equal to the original, so as the same be proved on oath to be a true copy and examined with the record thereof.

51. That in any suit at law hereafter to be brought in the said court, a summons specifying the cause and some certain day, hour, and place shall issue at the request of the plaintiff or defendant to any material witness who shall be about to go off this Island, requiring his appearance to give testimony before the judge or judges who shall sign such summons according to the tenor thereof, which said summons shall be served at least twelve hours before the time of appearance, and in case such witness make default to attend (not being extremely sick or otherwise disabled), then such witness shall, upon affidavit of the service of the summons made before the judge or judges who signed the same and filed in the Secretary's office of the said Island, be committed to the custody of the provost marshal or his deputy until he or she shall have appeared before the said judge or judges and cleared the contempt, with the costs of the same, and be discharged by order of the said judge or judges.

52. And in case there be a neglect of attendance on behalf of the plaintiff or defendant after the party or his counsel has been personally served twelve hours before the attendance required with a copy and sight of an original summons signed by the chief justice or any one of the puisne judges of the said court, specifying the name of the cause, with the day, hour, and place of examination and the witnesses names, or if the party or counsel shall be absent from home

the service to be by leaving a copy of the summons at the house of either of them and such service being proved upon oath, such deposition may nevertheless be taken in his absence and allowed to be good and sufficient testimony as last above mentioned, any former law, usage, or custom to the contrary notwithstanding; and the judge who takes such deposition shall immediately deliver the same sealed and indorsed into the Secretary's office, which shall be filed by the Secretary with the pleadings in the cause in which such deposition shall be taken, and the judge before whom the deposition shall be taken shall certify thereon whether both parties attended or any for them, and if either party made default whether proof of due service of a summons was made on the party against whom the deposition was taken and perjury in such deposition shall be punishable here as wilful perjury in courts of record in England is punishable by the common law of the realm.

Judge to deliver deposition sealed and indorsed into Secretary's office.

Secretary to file it with pleadings.

Judge to certify whether both parties attended.

No. 99, s. 2.

53. And whereas it frequently happens that persons in this Island expect actions to be brought against them, but such persons cannot, as the law stands at present, examine witnesses going off this Island until some action or suit is brought in this court, and plaintiffs take advantage of such defendant or defendants by delaying to bring their actions until such witnesses go off this Island: And whereas it frequently happens that actions are intended to be commenced, in which actions when commenced it is necessary for the defendant or defendants to examine witnesses who are *extremely aged or sick*, but the intended plaintiff or plaintiffs in such actions defer bringing his, her, or their action or actions until such aged or sick witness or witnesses is or are dead, by which means such defendant or defendants are frequently deprived of the testimony of his, her, or their witness or witnesses, or at least driven to the necessity of an expensive suit in equity to perpetuate the testimony of such aged or sick witness or witnesses, which is attended with great inconvenience and oftentimes great injustice: Therefore, to prevent such inconvenience and injustice, be it further enacted by the authority aforesaid, That where any person or persons hath or have reason to believe that any action or actions *will be brought* against him, her, or them, such person or persons may examine his, her, or their witness or witnesses going off this Island, or that is or are extremely aged or sick, in the same manner as any plaintiff or plaintiffs, defendant or defendants, is and are hereby empowered to examine witnesses where any action or actions is or are commenced, and the like summons shall issue and the like proceedings shall be thereon had as are herein-before directed touching the examination of witnesses going off this Island where any action or actions is or are commenced, and the deposition or depositions of such witness or witnesses shall be returned into the Secretary's office in the same manner, and be there filed and be of the same force and effect as the deposition of witnesses going off this Island, aged, or sick taken in any action or actions *actually commenced*, and the person or persons so summoned to appear and give testimony shall be liable to the same punishment for perjury and for refusing to appear as persons summoned to appear and give testimony in any action or actions *actually commenced* is or are herein-before made liable to or subject: Provided always, that the person or persons desirous of taking such deposition or depositions shall make oath before the judge who shall issue such summons that he, she, or they verily believe some action or suit will be instituted against him, her, or them, or against his, her, or their representatives by some person or persons, and whom, or his, her, or their representatives, and of the supposed reason or causes of such suit, and that the purport or effect of such affidavit or deposition be also recited or mentioned in the summons issued for the purpose of examining such witness or witnesses as aforesaid.

Person believing future action will be brought against him may examine witnesses aged, sick, or going from Antigua under ss. 50, 51, 52, as if action were actually commenced.

Person applying for summons is to make oath as to the cause of application, &c.

Oath is to be recited in summons.

In causes depending in Antigua witnesses in Nevis, Saint Christopher, Montserrat, Barbadoes, Grenada, &c. may be examined before Governor, &c. or judge, on giving adverse party three calendar months notice for Barbadoes, two for Grenada, St. Vincent's, Dominica, and Grenadines, thirty days for the Leeward Caribbee Islands.

54. And in causes depending in this Island the examination of any witness or witnesses taken before the Chief or Lieutenant Governor, or President of the Council where there is no Lieutenant Governor, or before any judge of the King's Bench, Common Pleas, or Exchequer in the Islands of Nevis, Saint Christopher, or Montserrat, or any of the Leeward Caribbee Islands and Barbadoes, or before any judge of any court or courts of law now erected or to be erected in the respective Islands of Grenada, Saint Vincent, Dominica, and the Grenadines, shall be in like manner good evidence as those taken duly before a judge in this Island, so as three calendar months notice if the witness to be examined in Barbadoes, and two calendar months notice if to be examined in Grenada, Saint Vincent, Dominica, and the Grenadines, and if any of the said other Islands thirty days notice at least be given of the time and the particular Island and house where such examination is to be taken personally, to the adverse party or his counsel, and such deposition be certified under the hand and public or private seal of the person taking such deposition, and such deposition after being read in court shall be filed and left in the Secretary's office of this Island, and there recorded at length among the proceedings relating to that cause, and a copy of the record shall be equal evidence with the original, and perjury in such depositions last mentioned shall be punishable here, if the deponent can be taken in this Island, as wilful perjury in the courts of record in England is there punishable by the common law of Great Britain.

5 Geo. 2. c. 7.

Affidavit or affirmation of person residing in Ireland or the British colonies [and by No. 35, s. 4, in States of America] as party or witness for party to action depending in Antigua to be received if made before Governor, mayor, or judge of place where deponent resides, and officially certified.
Et vide 5 & 6 Will. 4. c. 62.; 22 & 23 Vict. c. 12.

55. And whereas His Majesty's subjects trading from the kingdom of Ireland or any of His Majesty's colonies or plantations to the said Island of Antigua lie under great difficulty for want of those easy methods of proving debts due to them which the Act of Parliament of the fifth of George the Second, intituled "An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America," has introduced with regard to the proof of debts due to persons residing in Great Britain: Therefore, for effectually extending the same benefit to persons residing in the said kingdom of Ireland or any of His Majesty's colonies or plantations of proving debts due to them as persons residing in Great Britain have by virtue of the same Act, be it, and it is hereby further enacted by the authority aforesaid, That from and after the passing of this Act, in any action or suit then depending or thereafter to be brought in any court of law or equity in the said Island of Antigua for or relating to any debt or account wherein any person residing in the kingdom of Ireland or any of His Majesty's colonies or plantations shall be a party, it shall and may be lawful to and for the plaintiff and defendant, and also to and for any witness to be examined and made use of in such action or suit, to verify or prove any matter or thing by affidavit or affidavits in writing, or in case the person or persons to verify or prove such matter or thing be of the people called Quakers, upon his or her solemn affirmation, in manner following; that is to say, such affidavit or affirmation to be made before the Chief Governor or the person in command for the time being, mayor, or a justice of any court of record where or near to which the person making such affidavit or affirmation shall reside, such affidavit or affirmation to be certified under the hand and seal of office of such Chief Governor or the person in command for the time being, mayor, or justice, or under the private seal of such Chief Governor or the person in chief command for the time being, mayor, or justice, which oath and solemn affirmation every such Chief Governor or the person in command for the time being, mayor, or justice shall be and is hereby authorized and empowered to administer, and every affidavit or solemn affirmation so made, certified, and transmitted shall in all such actions and suits be allowed to be of the same force and effect as if the person or persons making the same upon oath or solemn

affirmation as aforesaid had appeared and sworn or affirmed the matters contained in such affidavit or affirmation *vidé voce* in open court, or upon a commission issued for examination of witnesses or of any party in any such action or suit respectively; provided that in every such affidavit and affirmation there shall be expressed the addition of the party making such affidavit or affirmation and the particular place of his or her abode.

56. That in all suits now depending or hereafter to be brought in the said court by or on the behalf of His Majesty, His heirs or successors, he or they shall and may prove his and their debts and accounts and examine his and their witnesses by affidavit or affirmation in like manner as any subject or subjects is or are empowered or may do by the present Act.

Witnesses for the King to be examined in the same manner as witnesses for subjects.

57. Provided always, That if any person making such affidavit upon oath or solemn affirmation as aforesaid shall be guilty of falsely and wilfully swearing or affirming any matter or thing in such affidavit or affirmation which, if the same had been sworn upon an examination in the usual form, would have amounted to wilful and corrupt perjury, every person so offending, being thereof lawfully convicted, shall incur the same penalties and forfeitures as by the common laws of England are provided against persons convicted of wilful and corrupt perjury.

Perjury in such witnesses punishable.

58. That conveyances and deeds, and also letters of attorney, procurations, and other powers in writing made in places out of this Island, which shall at any time after the publication of this Act be produced in any court of justice within this Island, with a deposition proving the same, sworn before the Lord Mayors of London, York, or Dublin, or any other mayor or chief officer of any city or town corporate within the kingdoms of Great Britain or Ireland, and attested under the public seal of such city or town corporate, or under the hand and public seal of any Chief Governor or President of the Council of any colony in His Majesty's dominions, and annexed to every such instrument of writing, shall be deemed, adjudged, and taken as sufficient evidence in law and equity as if the witnesses therein named and having subscribed the same were personally present, and made such proof *vidé voce*; provided such deeds, if concerning lands and tenements, be in all respects duly acknowledged and recorded in the register's office of Antigua as the laws of Antigua heretofore made direct and require.

Deeds proved by deposition before officer prescribed to have been executed in Great Britain or Ireland or any British colony [and by No. 35, s. 5, in *States of America*] to be received.

See Act of 28th July 1764 (No. 25), and Nos. 79 and 132, s. 24.

If relating to lands and tenements to be recorded in register's office.

59. That proof in the common form of wills under the seal of the Prerogative Court of Canterbury, or under the seals of any other courts, of probate of wills in His Majesty's dominions herein-before mentioned shall be allowed and taken *primâ facie* as good proof of such wills, both in law and equity, to prove real and personal devises and bequests within this Island, such wills and probates being first recorded in the Secretary's office of this Island; and in case of devises of such realties to be first recorded in both the Register's and Secretary's office of this Island with the probates, saving always the right of all and every person to invalidate, disprove, or set aside the same wills by lawful or equitable causes, as though this Act had not been made.

Sections 60 to 66 repealed.

67. That all actions and suits commenced and prosecuted in the said Court of Common Pleas shall be heard and determined at the court next after the court wherein the defendant or defendants have been summoned or attached to appear, or as soon after as the circumstances of each case will admit; and if any further time for pleading or other indulgence is granted to the defendant or defendants, such further time or indulgence shall be granted upon such terms and conditions as that the plaintiff or plaintiffs shall not thereby be delayed in recovering

Probates of wills under the seal of Prerogative Court of Canterbury or other competent courts evidence when recorded in Antigua, for personal estate with Secretary, for real with Secretary and Register. Nos. 92, s. 14; 98, s. 12.

Actions to be tried at court next after court wherein defendant was summoned or attached to appear, unless further time given by court. No. 98, s. 7.

judgment, unless in such cases wherein the court shall think such further time or other indulgence absolutely necessary in order to determine the real merits of the action.

Actions to be tried in the order of their entry in Secretary's book and not postponed unless on cause shown to court.

No trial to be postponed at request of plaintiff for more than four courts, unless by consent or by leave of court on cause shown.
No. 98, s. 7.

If trial postponed without notice four days before court costs of subpoenas to be paid.

If defendant fail to appear at second court and to plead general issue (not having filed special plea), judgment by default. Damages may be assessed and final judgment entered immediately.

Entering and recording verdicts.

Drawing and signing special verdicts.

Court to settle special verdict where counsel differ.

Jury if directed by court must find special verdict.

Finding generally, when directed to find specially, good cause for new trial.

On proof of agreement to pay, jury to find verdict for gold or silver or for sterling money, and settle the rate of exchange.

68. That all actions and suits commenced and prosecuted in the said Court of Common Pleas shall be heard and determined in the order in which they are entered in the Secretary's book, and no action or suit which hath been once called for trial shall be either postponed or continued to any adjournment of the same court unless some good cause shown to or approved of by the court.

69. That no action or suit shall be continued at the request of the plaintiff or plaintiffs for more than four courts next after the filing of the declaration of such plaintiff or plaintiffs, unless by the consent of the defendant or defendants or by leave of the court upon good cause shown; and if such action or suit shall not be brought to trial or argument within the time herein-before limited, judgment as in case of a nonsuit shall and may be immediately entered against such plaintiff or plaintiffs, and the defendant or defendants shall and may recover costs as in other cases; and if at the said second court or at any time afterwards any witnesses shall have been subpoenaed by the defendant or defendants and shall appear to give testimony, then such plaintiff or plaintiffs shall immediately pay unto the defendant or defendants the costs of such subpoenas, or be compelled immediately to go to trial or suffer a nonsuit, unless such plaintiff or plaintiffs, or his, her, or their counsel shall at least four days before the court at which the action or suit ought to have been tried or to which it was adjourned give notice of the intention of such plaintiff or plaintiffs not to try the same at such court.

70. That if the defendant or defendants shall neglect or refuse to enter an appearance at the said second court and immediately plead the general issue (not having before filed some special plea or demurrer in manner and form herein-before mentioned), judgment by default shall and may be immediately entered against such defendant or defendants, and the plaintiff or plaintiffs shall and may without any further notice or process proceed to inquire of his, her, or their damages, in all cases where damages upon a judgment by default are to be inquired of or assessed by a jury, and final judgment may be immediately entered upon the verdict or inquisition.

71. That all verdicts of jurors shall be entered briefly on the back of the declaration and recorded in the Secretary's books immediately after the entering of the pleadings in the cause; and where a special verdict is found in any cause, one counsel for the plaintiff and another for the defendant must draw up the notes of such special verdict in court and sign the same; and if the counsel of either party refuse to sign the same verdict the same shall be drawn up *ex parte* and the court shall settle the same upon the facts found by the jury, in cases where the counsel differ, or other occasion shall be so to do; and if either party require a special verdict and the court direct the jury to find *specially*, the jury is hereby required to find *specially*, and such direction and at whose prayer shall be entered in the Secretary's book; and if the jury, being directed by the court to find *specially*, find *generally*, it shall be a good cause for a new trial if prayed, and a new trial for that cause shall be granted accordingly without costs on motion before judgment entered up, and the motion for a new trial shall be entered in the Secretary's book.

72. That where any suit shall be brought upon any contract or upon a bill of exchange, and it shall appear in the contract or by evidence that the agreement was to pay sterling money or gold or silver money, or the debt arose for sterling money or for gold or silver money lent or advanced, then if it is for sterling money the jury shall find a verdict for sterling money, and settle the exchange,

and reduce the sterling money into gold and silver current money according to the best exchange then governing in this Island, and shall allow interest agreeable to the contract, if interest thereon lawfully made payable in the contract; and if not, then shall allow five pounds *per centum* from the day of payment if the money was advanced in Great Britain, Ireland, or North America, and shall in such last case allow interest from the day of payment if the money was advanced in this Island or elsewhere; and where the creditor does not reside here, but doth actually pay factorage for receiving and remitting the debt, the jury shall consider and allow in damages against the defendant five pounds *per centum* for such factorage; and where in an action of debt, on bond, or other specialty, judgment shall go against the defendant by default, the factorage shall be settled by one of the judges of the court either in or out of court before execution shall issue thereon at the rate herein-before mentioned: Provided always, that no such factorage shall be allowed where the debt arose from any goods sold in this Island because the factorage must be considered to have been made good in the price, nor shall such factorage be allowed upon a bill of exchange protested, because ten *per centum* damages thereon in gross is given by this law besides interest; but the jury, upon a bill of exchange, shall find what is due for principal distinctly, and settle interest separately to the day of their verdict, and shall state the damages separately, and judgment shall be entered for the whole sum together with growing interest on the principal sum only, according to the rate the jury allowed interest, which shall run until paid, besides costs of suit, and the judgment shall be entered for the very specie of gold and silver current money expressly; and where the debt is secured by a penalty, the verdict and judgment shall take notice of it as herein-before or after directed, and the execution accordingly to express the same to be levied in gold and silver money, and distinguish the sum due for principal and the rate of interest it run at until levied; and all sales whatsoever by virtue of or in consequence of such execution shall be for gold or silver monies and no other specie; and the marshal or his deputy shall mention in all publications of sales upon or in consequence of such execution that the sales are to be for gold or silver money, and no other specie, and the marshal and his deputy are at their peril to receive no other specie upon such execution than gold or silver monies.

Sections 73 and 74 repealed.

75. That in all cases where the defendant shall make default or neglect to enter his appearance at the second court, before judgment shall pass against him by *nihil dicit*, and in all cases where judgment shall go on demurrer, the plaintiff shall be obliged to make a legal proof of the debt before the justices only, and not before a jury, where the action is an action of debt for money sterling or current money of Antigua; but where in an action of debt the defendant was bound in foreign money or in goods (the value of which being variable), or where in any action upon the case or other action damages only are to be recovered, the same shall be inquired of and assessed without further notice by a jury at that court where default is made or judgment given on demurrer, or at any other court as shall be directed and appointed by the court, upon which verdict judgment shall be immediately given unless otherwise ordered by the court; and the jury in assessing damages for goods of the produce of this Island are to rate and estimate the same as they were worth at the common current price at the time they ought to have been paid for, unless the contract specified a particular price or ready money price, in which case the value to be accordingly assessed.

[Currency of Antigua assimilated to currency of Great Britain by No. 96.]
Rate of interest to be allowed.

When factorage is to be allowed.

No factorage on debt for goods sold in Antigua;

nor on bill of exchange, see s. 31.

On bills of exchange monies due for principal, interest and damages to be stated separately.

Judgment for the whole.

Interest to run on principal.

Judgment and execution to be for gold and silver currency.

Marshal to receive on sale no other specie than gold or silver money.

Where judgment by default or on demurrer in action for money sterling or currency, proof of debt before judges without jury sufficient, but if foreign money or goods or damages only recovered assessment by jury.

Produce of Antigua to be assessed at price current when payment due unless specific price in contract.

Where judgment by default against absent defendant, if defendant at or before next court after his return show by affidavit that judgment was recovered for more than actual debt, judge may order marshal not to levy or pay plaintiff more than defendant's oath admits, and new trial may be granted by court.

Limitation in first part of clause confirmed.
Further limitations.

Judgment by default against person non compos mentis, absent, or under age may be set aside by writ of error and by audita querela where sum not sufficient for writ of error.
No. 112.
EXCEPTION.

Court to assign guardian for infant.

Judgment must be entered in twelve calendar months after day on which, under s. 33, 43, 70, it might have been entered.
EXCEPTION.
Before judgment filed no Scire facias shall revive or execute it.

Death of either party between verdict and judgment not to be alleged for error.

Where plaintiff or defendant dies between interlocutory and final judgment action not to abate.

76. That where judgment by default shall be obtained against any absent defendant or defendants who shall afterwards return, and at or before the next court after such return make it appear or show probable cause by affidavit that a judgment hath been recovered for more money than was actually and *bond fide* due at the time such judgment was obtained, it shall and may be lawful to and for any justice of the said court to order the marshal or his deputy not to proceed to levy for any further or other sum than such defendant or defendants shall declare upon oath to be justly due to the plaintiff or plaintiffs; or if any monies have been received by the marshal or his deputy towards the satisfaction of such judgment, not to pay unto the plaintiff or plaintiffs more than the sum of money declared to be due as aforesaid until the further order or direction of the court; and if the court shall think it probable that more money hath been recovered or levied than was really due, a new trial shall be granted, and the judgment and the execution, if any, thereon issued shall stand as a security for such sum of money as shall be recovered upon such second trial, and for no more: Provided, nevertheless, that no such order or new trial shall be granted unless applied for at or before the next court after the return of the defendant or defendants, nor shall such order or new trial be granted where the defendant or defendants or either of them was or were present in the Island at the time when any writ of Capias, attachment, or summons was either personally served on such defendant or defendants, or left at his, her, or their place of abode, nor shall such order or new trial be granted except applied for within the space of one year next after obtaining such judgment or issuing any writ of execution thereon.

77. That where judgment shall pass by default against any person being *non compos mentis* or in prison in any place out of this Island, or by default against any infant, all such judgments obtained against such person or persons shall be set aside in the same court by *audita querela* at any time where the sum is too small for the allowing a writ of error by the Royal instructions and the laws of this Island, or by writ of error in the Court of Errors in this Island where the sum is sufficient to maintain a writ of error; EXCEPT in such cases where infancy by the laws of England is not assignable for error, in which cases no advantage shall be taken of infancy after judgment, either by *audita querela* or error, and this court or any of the justices thereof out of court shall, upon request of plaintiff or defendant, assign a guardian to defend for an infant or a guardian or next friend to sue and prosecute in each suit.

78. That all judgments shall be entered within twelve calendar months next after the day upon which such judgment might have been entered, according to the rules hercin-before mentioned, and not afterwards, unless by order of the court or of a justice of the said court at his chambers; and no Scire facias to revive any judgment or obtain execution thereof shall issue before such judgment hath been entered or filed in the Secretary's office.

79. That the death of either party between the verdict and the judgment shall not hereafter be alleged for error, so as such judgment be entered at the next court after such verdict; and where any verdict shall be had by or in the name of any executor or administrator, in such case an administrator *de bonis non* may sue forth a Scire facias and take execution upon such judgment.

80. That if any plaintiff happen to die after an interlocutory judgment and before a final judgment had therein, the action shall not abate by reason thereof, if such action might be originally prosecuted or maintained by the executors or administrators of such plaintiff; and if the defendant die after such interlocutory judgment and before the final judgment therein obtained, the said action shall

not abate, if such action might be originally prosecuted or maintained against the executors or administrators of such defendant; and the plaintiff, or if he be dead after such interlocutory judgment, his executors or administrators, shall and may have a *Scire facias* against the defendant if living after such interlocutory judgment, or if he died after, then against his executors or administrators, to show cause why damage in such action should not be assessed and recovered by him or them; and if such defendant, his executors or administrators, shall appear at the return of such writ, as before directed in case of the *Scire facias*, and not show or allege any matter sufficient to arrest the final judgment or make default the damages shall be inquired of as herein-before directed on judgment by default in cases where damages only are recoverable and judgment final therein be given for the plaintiff, his executors or administrators, prosecuting such writ or writs of *Scire facias* against the defendant, his executors or administrators respectively.

Scire facias to issue.

If cause not shown sufficient to arrest final judgment to assess damages as in s. 75.

81. That before any motion is made in the said Court of Common Pleas for obtaining any rule or order of the said court, except such matters or things as are usually obtained or granted as of course, the counsel of the party or parties intending to make such motion shall give notice in writing of such intention and of the reason or causes why such motion is intended to be made at least four days before the day upon which such motion is intended to be made, exclusive of the day upon which such notice is given, unless it shall appear to the court that such notice could not conveniently be given within the time aforesaid; and if after notice of any motion shall have been given such motion shall not afterwards be made, or having been made shall not be granted, the party giving such notice shall pay unto the other party three pounds six shillings for costs, to be either taxed with the other costs in the cause or recovered by writ of execution or attachment.

Notice of all motions (except motions of course) to be given four days exclusive of court day.

Sed vide No. 98, s. 9.

Exception.

If motion not made or refused costs to be paid.

No. 96.

82. That from and after the date of this Act where any judgment shall be entered upon confession, *nihil dicit*, or *non sum informatus*, the counsel who confesses such judgment shall leave his warrant of attorney in the Secretary's office of this Island in order to have the same recorded at the time he confesses such judgment, or in default thereof, or in case it shall appear from such warrant of attorney that such judgment was irregularly confessed, such judgment and the execution, if any, issued thereupon shall be of no force, virtue, or effect whatever, any law, usage, or custom to the contrary notwithstanding; and the said Secretary or his deputy is hereby required to give to the counsel who shall leave such warrant of attorney with him for the purpose aforesaid an acknowledgment in writing signed with his hand of the receipt of such warrant of attorney, mentioning particularly as near as may be the day, hour, and minute he received the same, for which he shall receive and take the sum of one shilling and sixpence current gold and silver money of the said Island, and no more; and the said Secretary or his deputy is hereby further directed with all convenient speed to record the said warrant of attorney in his books to be kept for that purpose, for which he shall receive the further sum of three shillings like money and no more, both which said sums are to be paid by the plaintiff or plaintiffs in the said execution and be allowed such plaintiff or plaintiffs, in costs; and in case such Secretary or his deputy shall refuse or neglect to receive such warrant of attorney and to give such receipt for the same as hereby required, or shall refuse to record such warrant of attorney within six weeks at farthest after the same shall have been left with him (the said sums herein-before mentioned being offered to him) such Secretary or his deputy for each offence shall forfeit the sum of one hundred pounds like money to the use of the party grieved, his, her, or their executors or administrators, to be recovered with treble costs in any court of record of this Island by any action of debt or case, bill, plaint, or

Warrants of attorney for confession of judgment.

[For execution of warrant, see No. 214, ss. 10, 11.]

For fees of Secretary, see No. 226.

Secretary not recording warrant in six weeks to forfeit 100*l.* to party grieved with treble costs, recoverable by action or information to be commenced in two years.

Party grieved may at his election sue Secretary for special damages.

Secretary to keep docket book of judgments.
Vide No. 153, s. 6.
Form of entries.

information to be brought within two years next after such offence shall be committed, wherein no essoign, protection, or wager of law shall be allowed: Provided nevertheless, that the party grieved, his, her, or their executors or administrators, shall or may take his, her, or their remedy against the Secretary or the security or securities of such Secretary or his deputy if he, she, or they shall make such election, for any further or other damages which he, she, or they may have sustained by reason of such offence of the Secretary or his deputy, anything herein contained to the contrary notwithstanding.

83. That the Secretary shall keep a book separate from all other books, to be called a "docket book of judgments," which shall be kept alphabetically, and with a double alphabet after the manner following, *videlicet*, *A.*, naming the defendant's surname, first, then his Christian name, against *D.*, naming the plaintiff's surname first, then his Christian name, and the other alphabet to begin with the plaintiff's surname, then his Christian name, and then the defendant's surname and Christian name after it, and an express reference to the folio of the book the judgment is in, that all persons may know how to search for judgments; and if the Secretary or his deputy fail to keep such book he shall be fineable by this or any court of record in this Island for a contempt, and so for every calendar month he shall fail to keep such docket book he may fined anew.

No execution to issue on judgment dormant a year and day till revived by Scire facias, except plaintiff restrained by injunction.

84. That no execution shall issue upon any judgment which has lain dormant for the space of one year and a day unless a Scire facias shall issue thereon, except where the plaintiff has been held under injunction in chancery, or order of the Court of Chancery, or by writ of error, and it shall appear by affidavit in writing filed in the Secretary's office in case of such injunction that the plaintiff was so held under injunction.

Service of Scire facias to be six days before court by copy of original, other forms as writ of summons in s. 10.

Marshal to make return of service in original, &c.

Judgment or award of execution to be entered at expiration of time for pleading. See ss. 9, 43.

85. That all writs of Scire facias shall be served six days before the sitting of the next court (including the day of service) in the same manner in every respect as writs of summons in other actions or suits are herein-before directed to be served, except that only a copy of the original writ be served, and upon such service the provost marshal or his deputy shall make a return upon the original writ that the said defendant or defendants have been duly summoned to appear, and shall deliver the said original writ into the Secretary's office on or before the sitting of the said next court, there to remain of record; and if the defendant or defendants do not appear and plead to the said writ of Scire facias within the time herein-before limited for appearance and pleading in other actions or suits, judgment or award of execution shall be entered at the same time as judgments in other actions or suits are herein-before directed to be entered or can or may be recovered.

86. That as soon as judgment shall be obtained the plaintiff may sue forth from the Secretary's office a writ of execution in the form following, *videlicet*,

Form of common writ of execution. Vide No. 214, s. 12, et seq.

' George the Third, by the grace of God of Great Britain, France, and Ireland King, Defender of the Faith, &c.: To the provost marshal of our said Island of Antigua or his lawful deputy greeting: Whereas judgment was lately obtained in Our Court of Common Pleas held for Our said Island of Antigua by (naming the plaintiff or plaintiffs) against (naming the defendant or defendants) for the sum of (current money or current gold and silver money, as the case shall require), with costs of suit: We do therefore require and command you to levy the same, with the costs taxed and endorsed hereon, and all subsequent costs and charges in or about the execution of this writ of the goods, chattels, lands, tenements, hereditaments, rentcharges, and annuities belonging to the said (defendant or defendants), and debts due to the said (defendant or defendants), in the manner directed and appointed by virtue

‘ of a certain Act of this Island made and provided; and in case you cannot
 ‘ immediately find sufficient goods and chattels, lands, tenements, heredita-
 ‘ ments, rentcharges, annuities, and debts of the same (defendant or defendants)
 ‘ you are to attach the body of the same (defendant or defendants) and (him,
 ‘ her, or them) safely to keep until the said judgment be satisfied; and of
 ‘ your proceedings herein you are to make a return within thirty days from
 ‘ the date of this Our writ into the Secretary’s office of this Island. And hereof
 ‘ fail not as you will answer the contrary at your peril. Witness (the name of s. 5.
 ‘ the chief justice or senior assistant justice) of Our said court the day of No. 214, s. 19.
 ‘ in the year of our Lord God and in the year of Our reign.’ No. 157, s. 57.

87. That where judgments are obtained against *heirs, executors, or administrators* upon judgments on the estate or goods of any ancestor, testator, or intestate, the writ of execution shall specify it and be altered accordingly; and in cases of wastes by them committed, or false pleas, subjecting them to be charged of their proper estate, there shall and may be proper executions formed, to be levied on their proper goods, chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts to be sold and disposed of, as in common cases, against other persons and against the body, as the case shall require, the forms and proceedings of such executions and the returns of waste to be agreeable, as near as may be, to the laws of England or statutes of Great Britain in force here and the practice of the Court of Common Pleas at Westminster: Provided always, that nothing in this Act shall be deemed, construed, and taken to affect the proper goods and chattels, lands or tenements, or the person or persons of any heirs, executors, or administrators, further or otherwise than the same might be bound or affected by the laws of England or statutes of Great Britain in force here, or by any law of this Island.

Special writs of execution against heirs, executors, or administrators to be framed as near as may be according to laws of England.

Chattels and lands of heirs, executors, &c. to be affected only as they would be by the laws of England.

88. That in all other cases where the form of the writ of execution herein-before directed will not apply, proper writs of execution shall be formed as near as may be to the laws of England or Great Britain in force here and the practice of the said Court of Common Pleas at Westminster.

Where writ of execution in s. 86 will not apply proper writs to be framed after practice in Common Pleas at Westminster.

89. And whereas judgments are often obtained and writs of execution issued for the penalties of bonds in very considerable sums of money, when the balance or real sum actually due upon such bonds or the judgments obtained thereon may be very small or inconsiderable: Be it therefore also enacted and ordained by the authority aforesaid, That where judgment is obtained for a penalty and a writ of execution thereon issued, the plaintiff or plaintiffs shall cause the sum supposed to be then actually due from the defendant or defendants to be indorsed upon the said writ of execution before such writ of execution is delivered to the provost marshal or his deputy, or within twenty-four hours afterwards (unless the next day shall be a Sunday, and then within forty-eight hours afterwards), and the provost marshal shall not immediately levy for more than the sum indorsed upon such writ and the necessary costs and charges of executing the same; and if any plaintiff or plaintiffs shall neglect to cause such indorsement to be made as aforesaid, or shall indorse upon such writ any greater sum than is actually due, he, she, or they shall be liable to and make good any damage which the defendant or defendants shall actually sustain by reason of such neglect or erroneous indorsement, to be recovered by action upon the case with full costs of suit: Provided always, that nothing herein-before contained shall extend or be construed to extend to preclude such plaintiff or plaintiffs, or his, her, or their attorney or attorneys from alleging any greater or other sum of money to be due upon the said judgment or execution than is stated in or by the affidavit or deposition *herein-after mentioned*, or to prevent or restrain any further or

Where judgment obtained for penalty on bond (by No. 35, s. 8), affidavit of sum bond file due to be made before judge, and sum indorsed on writ of execution previous to delivering it to marshal, or within twenty-four hours afterwards.

Marshal not to levy till affidavit filed. And see No. 214, s. 22. Plaintiff endorsing greater sum than actually due liable to damages.

See No. 35, s. 8.

See s. 91, infra.

subsequent levy upon the estate or effects of the defendant or defendants if the sum afterwards sworn to be due upon such judgment or execution shall exceed the sum mentioned or indorsed upon the said writ of execution.

Monies received by marshal under executions to be distributed according to Act of 4th Nov. 1786 (No. 32).

90. That all monies received by the said provost marshal or his deputy under or by virtue of any writ or writs of execution issued out of the said Court of Common Pleas shall be paid and applied in the manner directed and appointed in and by a certain Act of this Island Antigua, intituled "An Act for the more equal Distribution of Estates sold by virtue of Executions," dated at Antigua the fourth day of November in the year of our Lord one thousand seven hundred and eighty-six, and since allowed and confirmed by His Majesty, when and so soon as the said Act shall begin to take effect and during the time the said Act shall continue in force.

See No. 35, s. 8.

If plaintiff dead or absent affidavit by executor or attorney.

91. That in all cases where judgment is obtained for a penalty the plaintiff or plaintiffs or some or one of them shall within *ten days after the day upon which a writ of execution upon such judgment hath been lodged with the provost marshal or his deputy deliver* to the said provost marshal or his deputy an account in writing of what is really and *bonâ fide* due upon such execution, sworn to before one of the justices of the said Court of Common Pleas; but if such plaintiff or plaintiffs shall be dead or absent from this Island, then such account and deposition may be made and lodged by the executors, administrators, or attorney of such plaintiff or plaintiffs, or some or one of them; and where the deponents are executors, administrators, or attorneys, or where they cannot from the nature of the transaction properly know of their own knowledge what is due, such deposition or affidavit may be according to the best of the knowledge and belief of such deponent or deponents; and if such account and deposition shall not be lodged with the said provost marshal or his deputy *within the time herein-before limited*, then the next execution creditor or creditors who shall lodge his, her, or their account and deposition within ten days after the day upon which his, her, or their writ of execution was delivered to the said provost marshal or his deputy shall have a preference to such execution creditor or creditors so neglecting or refusing to lodge his, her, or their account and deposition and all other execution creditors who shall be guilty of the same neglect and default.

See No. 35, s. 8.

Preceding clause not to take away equality of distribution under No. 32.

Creditors in execution to make deposition as after directed.

Direction is not given. Defect is supplied in No. 35, s. 2.

Execution to bind goods and chattels from time of delivery of it to marshal;

who is to endorse time of delivery.

[Purchaser without notice protected by No. 157, s. 36.] For fees, see No. 221.

92. Provided always, That nothing herein-before contained shall extend or be construed to extend to take away the equality of distribution intended to be introduced among execution creditors by the said Act of this Island, intituled "An Act for the more equal Distribution of Estates sold by virtue of Executions," when the same shall begin to take effect and during the time the said Act shall continue in force: Provided such execution creditor or creditors shall, before they are entitled to demand or receive any part or dividend of the estate or effects of any defendant or defendants under or by virtue of the said Act, make and lodge such account and deposition of what is justly and *bonâ fide* due upon his, her, or their execution as is *herein-after directed*.

93. That all executions before mentioned or herein-after mentioned and directed against defendants, or against surties on executions, or against purchasers on executions, shall bind the property of the goods and chattels of the defendants from the time the same are respectively delivered to the marshal, and not before; and the marshal is hereby required to minute down on the back of the execution the day of the month and hour and minute of the day, as near as may be, and the year he receives each execution respectively; and on tender of one shilling and sixpence current money of Antigua as a fee for a receipt shall give the party delivering it a receipt immediately upon request under his hand for each execution, mentioning the parties, the sum, the year, day of the month,

hour and minute of receiving it, under the forfeiture of one hundred pounds current gold and silver money of Antigua for refusal or neglect, half to the use of the party grieved and half to the use of His Majesty, His heirs and successors, to be paid into the treasury of this Island for the use of the forts and fortifications, to be recovered by action on the case brought at any time within two years after such refusal or neglect in any court of record in Antigua by the party grieved, his executors or administrators, in which treble costs shall be also recovered.

Under penalty of 100*l.*, half to party grieved, half towards fortifications, to be sued for in two years.

94. That the Treasurer of this Island shall at the public expense from time to time find and provide proper and sufficient books for the use of the said provost marshal or his deputy, in which shall be entered all executions lodged with the said provost marshal or his deputy after the publication of this Act, with the names of the plaintiffs and defendants in each execution respectively, and the year and the day of the month and hour and minute of the day when each execution was received, and a true and particular account of all monies levied and received or paid under or by virtue of or in satisfaction of each execution respectively, with two alphabets in each book, one beginning with the surname or surnames of the defendant or defendants, and the other with the surname or surnames of the plaintiff or plaintiffs, each of the said alphabets referring to the particular folios in the same book wherein the particulars relating to the respective executions are written or contained, which folios shall also refer to some other book or books in which shall be entered particularly an account of the estates, goods, chattels, monies, or other effects of the defendant or defendants sold, received, or disposed of by the said provost marshal or his deputy, with the year and day of the month when the same were respectively sold, and the prices at which the same were sold, and the names of the person or persons by whom the same were respectively purchased, with two alphabets also to the last-mentioned book or books, one beginning with the surname or surnames of the defendant or defendants, and the other with the surname or surnames of the plaintiff or plaintiffs, each of the said alphabets referring to the particular folios in the same book wherein the particulars relating to the sale or receipts of the said estate, goods, chattels, monies, or other effects are written or contained; and if the said provost marshal or his deputy shall refuse or neglect to make such entries as aforesaid he shall forfeit one hundred pounds gold and silver current money, to be recovered by action of debt or information in the said Court of Common Pleas, in which no protection, essoign, or wager of law shall be allowed, with full costs of suit, the whole of such penalty or forfeiture to be to the use of the informer or person who shall sue for the same.

Marshal at expense of treasury to keep books containing entries of executions, parties names, and time of delivery;

entries of monies levied or received;

entries of sales, &c. under execution;

under penalty of 100*l.*, See in No. 35, s. 1, and No. 145, s. 16, process to enforce from marshal account and payment of monies come to his hands under executions.

95. That the said books shall constantly remain and continue in the place where the marshal's office now is or hereafter by law shall be kept, and shall not be removed or taken therefrom unless by the order of some court of law or equity in this Island for the purpose of inspecting the same under the penalty of one hundred pounds current gold or silver money, to be recovered in manner herein-before mentioned.

Books to remain constantly in marshal's office unless removed by judicial authority for inspection, under penalty of 100*l.*

96. That it shall and may be lawful to and for any person or persons in the usual office hours to examine all or any of the said books and to demand and receive copies or extracts therefrom to be signed by the said provost marshal or his deputy and delivered as soon as conveniently may be, paying therefore the like fees as are paid for searching and making copies of books, papers, or records in the Secretary's office of this Island.

Persons generally may examine marshal's books and demand copies or extracts, paying fees.

97. That the provost marshal or his lawful deputy shall make such return as the case shall require on each execution directed to him as aforesaid by indorsement thereon and sign the same with his name, and shall lodge the same within

Marshal to return writs of execution within three days after return day.

No. 214, s. 19.

Plaintiff may proceed against marshal or his deputy for further or other damage.

Secretary immediately to file execution and return, and if required give attested copy under like penalty as that on marshal in first part of clause. Secretary's fees. See No. 226.

Estate and effects may be levied on or body of defendant taken after return of writ of execution.

Writ need not be shown.

Execution on real and personal property deemed actually levied from delivery of execution to marshal, who is immediately to take defendant's personal property into his possession unless prevented by written order from plaintiff. No defendant's property to be advertised for sale until in custody, or security given to produce it.

Conveyances void as to creditors unless made for valuable consideration.

three days at farthest after the day the same was made returnable in the Secretary's office of said Island, under the penalty of one hundred pounds gold and silver current money of said Island, to the use of the plaintiff or plaintiffs in said execution, to be recovered by the party grieved, his, her, or their executors or administrators, with treble costs, in any court of record in this Island by any action of debt or case, bill, plaint, or information to be brought within two years next after such neglect, wherein no essoin, protection, or wager of law shall be allowed : Provided, nevertheless, that the plaintiff or plaintiffs in the said execution shall or may take his, her, or their remedy against the marshal, or the security or securities of such marshal or his deputy, if he, she, or they shall make such election, for any further or other damage which he, she, or they may have sustained by reason of such neglect of the marshal or his deputy, anything herein contained to the contrary notwithstanding; and the Secretary or his deputy is hereby required immediately to file the said execution and return with the other proceedings in said cause, and give an attested copy thereof on request to the plaintiff or plaintiffs in said execution, under the same penalty herein-before inflicted on the marshal or his deputy for their neglect, to be recovered within the same time and in like manner and to the same uses as herein-before mentioned, and the Secretary or his deputy for filing the same shall receive and take the sum of three shillings current gold and silver money, and the like fee for each attested copy of such execution and return, and no more; the same to be charged to the plaintiff or plaintiffs in each execution, and to be allowed such plaintiff or plaintiffs in costs.

98. Provided always, That the said provost marshal or his deputy shall and may proceed to levy upon and sell any estate, property, or effects of a defendant or defendants, or if necessary to take the body or bodies of such defendant or defendants, after the return of any writ or writs of execution, without any further writ or order; and the said provost marshal or his deputy or any other person or persons by him or them authorized or appointed to serve or levy any writ or writs of execution shall not be obliged to show or produce the original writ or writs of execution at the time of serving or levying the same.

99. That all writs of execution shall be deemed as actually levied upon the goods and chattels, lands, tenements, and other real and personal property of the defendant or defendants, from the time such writ or writs of execution was or were actually delivered to the said provost marshal or his deputy; and the said provost marshal or his deputy shall, if not prevented from proceeding by a note in writing from the plaintiff or plaintiffs, or his, her, or their counsel or attorney, immediately proceed to take all the personal property of the defendant or defendants and keep the same in safe and secure custody, unless such defendant or defendants shall give security to produce the same in manner herein-after mentioned; and no advertisements or publications of notice of any sale of the goods or chattels of any defendant or defendants shall be made by the said provost marshal or his deputy until the property advertised to be sold shall have been in the custody of the said provost marshal or his deputy, or security hath been given to produce the same at the day appointed for the sale thereof.

100. And all deeds, conveyances, and assurances in writing or otherwise of lands, tenements, goods, and chattels whatsoever are hereby declared to be null and void as to creditors, unless the party or parties to whom the same is made make it appear by legal proof that he is actually and *bonâ fide* a purchaser for valuable consideration really paid or secured without any covin, or for other valuable considerations in law, according to the laws and statutes provided and made before the settlement of this Island in such cases.

101. And to prevent the defrauding of creditors by fraudulent devises of English statute of 3 Will. & Mar. c. 14. for relief of creditors against fraudulent devises in force in Antigua; see that statute subjoined to this Act.

lands, tenements, and hereditaments, be it and it is hereby enacted by the authority aforesaid, That the statute made in England the third year of our late Sovereign Lord and Lady King William and Queen Mary, chapter the fourteenth, intituled "An Act for the Relief of Creditors against fraudulent Devises," as extant in the same book printed by the printers of the Crown, shall be of force for the future in this Island as to the devise of any person or persons dying after the date of this Act, and such statute book shall be equal evidence as the record or enrolment could be in all cases whatsoever within this Island.

102. And for the better support of credit, be it enacted by the authority aforesaid, That from and after the date hereof the *benefit of trusts* of lands, tenements, and hereditaments within this Island, whether such trusts be now created or in being or shall hereafter be created and in being, shall be liable to judgments and executions and be assets in all respects, and the heir and other persons be chargeable therefore in the same manner as such lands, tenements, hereditaments, and heirs and persons are liable in England by the statute made in the twenty-ninth year of the reign of our late Sovereign Lord Charles the Second, chapter the third, intituled "An Act for Prevention of Frauds and Perjuries," as the same is extant in the statutes at large printed by the printers to the Crown, with the following alterations; that is to say, that the whole trusts in all the lands, tenements, and hereditaments shall be sold and execution be thereon done as herein-after directed in case of lands, tenements, and hereditaments respectively, and that such trusts shall be liable, *against any purchasers thereof*, in all respects, on the entry of an action or suit in equity, as lands, tenements, and hereditaments are *before* or after hereby made liable; and all estates *for the term of any other person's life or lives* of lands, tenements, and hereditaments within this Island shall be devisable, descend, and go and be assets in the same manner here as such estates in lands in England are directed by the same last-mentioned statute, as extant in the same printed statutes, save only that no other kind of publication or execution or other number of witnesses shall be required for or to a will passing the same than is required to wills by the laws and usages of this Island.

103. That all writs of execution delivered unto the said provost marshal or his deputy shall be levied in manner following; (that is to say,) in the first place on the cotton, ginger, rum, sugar, or any other commodities of the growth of this Island belonging to the defendant or defendants; and for want of such goods and chattels sufficient to satisfy the debt and costs, then on the household furniture, plate, and other goods of the defendant or defendants; and if the same are not sufficient, then on the horses, cattle, and such plantation utensils as are not affixed to the freehold; and if the same are not sufficient, then upon the lands, tenements, and hereditaments of the defendant or defendants or such part thereof as will be sufficient to satisfy the debt and costs; and for want of sufficient lands, tenements, and hereditaments, then on the rentcharges or annuities of the defendant or defendants, and if necessary upon the debt or debts due to such defendant or defendants or so much or so many as will be sufficient to satisfy the debt and costs; and no fees of levy shall in any case be paid for any more than the plaintiff or plaintiffs shall actually receive or be paid of his, her, or their demand after the writ of execution actually delivered or actually levied.

104. That rentcharges or annuities payable to any defendant or defendants against whom any writ or writs of execution shall be issued shall be levied upon in manner following; that is to say, the said provost marshal or his deputy shall

The benefit of trusts in lands, &c. liable to judgments and executions as such property is liable in England under 29 Car. 2. c. 3. s. 10, 11 [see Appendix at the end of this Act, Article II.], with the difference that the trusts be sold as lands in execution under s. 103, 104, 123, 124, 126, and be liable in case of action as lands under s. 101. Estate for another's life, devisable, &c. as in England under last-mentioned statute [see Appendix to this Act, Article III.], save that will is to be executed according to laws of Antigua. In part repealed by No. 144, s. 2.

Writ of execution to be levied first on produce, if insufficient then on household goods, plantation stock, lands, annuities, debts.

No fees on levy for more than plaintiff shall actually be paid after delivery of execution to marshal.

Annuities or rentcharges to be levied on by notice from marshal to person paying annuity;

immediately after notice given to him by the plaintiff or plaintiffs serve the person or persons liable to pay such annuity or rentcharge, or his, her, or their attorneys or attorney with a notice in writing signifying that the said provost marshal or his deputy doth thereby levy upon all and every rentcharges or annuities payable to the defendant or defendants by virtue of a certain writ of execution, mentioning the particulars of such execution, or if more than one writ of execution hath been issued against such defendant or defendants, by virtue of sundry writs of execution issued against the defendant or defendants, and requiring such person or persons not to pay any part of the said annuities or rentcharges unto the said defendant or defendants until the said execution or executions are fully paid and satisfied, as he, she, or they will answer the contrary at their peril, or to the like purport or effect, which notice or levy shall be signed by the said provost marshal or his deputy, and served in the same manner as writs of summons are herein-before directed to be served; and after such levy or notice such annuities or rentcharges shall become payable and be paid unto the said provost marshal or his deputy for the use of the execution creditor or creditors of the defendant or defendants, until such annuities or rentcharges shall have been sold under or by virtue of the writ or writs of execution issued against such defendant or defendants or such writ or writs of execution shall have been otherwise paid or satisfied; and such annuities or rentcharges or the arrears thereof due or owing after such notice or levy, shall and may be sued for by the said provost marshal or his deputy in his own name, as assignee of the said defendant or defendants; and the said provost marshal or his deputy shall have the like actions and remedies for recovering the said annuities or rentcharges whilst the said executions remain unsatisfied as the defendant or defendants to whom the same were payable might or could have had before such notice or levy.

served as writs of summons in s. 10.

Annuities to be paid to marshal for use of creditors until absolutely sold or execution satisfied.

Marshal may sue for arrears in his own name as assignee of defendant.

Where judgment against incumbent of any parish, only one moiety of his stipend to be levied on, which moiety churchwardens on notice are to pay to marshal. See No. 161.

The person of incumbent to be exempt from arrest or execution at suit of a subject. No. 214. Churchwarden to enter notice of levy in parish book or make payment out of his estate.

Debts to defendant in execution are to be levied upon by notice to debtor requiring payment to marshal. No. 214, s. 15.

105. And in case judgment shall be obtained against an incumbent of any parish of this Island who hath not sufficient goods, chattels, lands, tenements, rents, annuities, or debts to be levied on, then one moiety only and no more of his stipend payable by the parish shall be liable to be levied on, and in the same manner as in case of rentcharges or annuities, and notice of levy shall be left with the churchwardens of the parish or one of them, after which the churchwarden or churchwardens of the same parish for the time being shall be obliged to pay the same moiety to the marshal until the debt, damages, and costs are paid, as fast as it shall be received from the parish, on pain of being sued on misapplication and paying it out of his or their proper estates; and the remaining moiety shall be paid to the incumbent for his support, and not be liable to be levied on by any execution or executions whatsoever, and the body of every such incumbent is hereby exempt from being taken in execution for any judgment for debt, costs, or damages at the suit of a subject; and such incumbent shall be deemed a freeholder exempt from arrests in civil causes, and the churchwarden receiving such notice of levy is at his peril to get the same entered in the parish book of vestry minutes, or else shall be liable out of his own proper estate for all mispayments which shall be made by any succeeding churchwardens until such entry shall be made.

106. That all debts due or owing to any defendant or defendants against whom any writ or writs of execution shall be issued shall be levied upon in manner following; that is to say, the said provost marshal or his deputy shall, upon notice given to him by the plaintiff or plaintiffs, serve the person or persons from whom any debt is due or owing unto such defendant or defendants, or his, her, or their attorneys or attorney, with a notice in writing signifying that the said provost marshal or his deputy doth thereby levy upon all and every sum and sums of

money then due or owing or thereafter to become due or owing to the defendant or defendants by virtue of a certain writ of execution, mentioning the particulars of such execution, or if more than one writ of execution hath been issued, by virtue of sundry writs of execution issued against the defendant or defendants, and requiring such person or persons, or debtor or debtors, not to pay any monies unto the said defendant or defendants but unto the said provost marshal or his deputy, towards the satisfaction of such writ or writs of execution, as he, she, or they will answer the contrary at their peril, or to the like purport or effect, which notice or levy shall be signed by the said provost marshal or his deputy and shall be served in the same manner as writs of summons are herein-before directed to be served; and after such notice or levy such debt or monies shall become payable and be paid unto the said provost marshal or his deputy for the use of the execution creditor or creditors of the said defendant or defendants, and shall and may be recovered by the said provost marshal or his deputy in manner herein-after particularly mentioned.

Notice served as writs of summons in s. 10.

S. 143 to 150.

107. That the receipt or receipts of the said provost marshal or his deputy for any sum or sums of money paid by any person or persons for or upon account of any annuities or rentcharges, stipends, or debts levied upon as aforesaid, or an entry of such payments in the book or books of such provost marshal or his deputy, shall be a sufficient discharge for the sum or sums of money mentioned to have been received, and the person or persons paying the same to the said provost marshal or his deputy shall not be compelled to prove any actual levy or notice made or given to him, her, or them, or be in any manner answerable or accountable for the nonapplication or misapplication of the monies by him, her, or them paid to the said provost marshal or his deputy.

Marshal's receipt or entry of payment in marshal's book sufficient discharge to debtor.

108. That whenever hereafter any cotton, ginger, sugar, rum, or any other commodities of the growth and manufacture of this Island shall be taken in execution for the payment of any debt or damages recovered generally in current money of Antigua, and the parties concerned cannot agree about the prices thereof, that a warrant under the hand and seal of the chief justice of the said court, or in case of his sickness, death, or absence from the Island, under the hand and seal of the next senior judge of the court, directed to the defendant, shall issue, upon application of the plaintiff or any on his behalf, commanding the defendant to appear before him at a certain day and place, not exceeding four days after the date of the writ, to nominate two persons on his behalf to value and appraise such cotton, ginger, sugar, rum, or any other commodities of the growth or manufacture of this Island as had been taken from him by virtue of the aforesaid writ of execution; and in case he shall neglect or refuse to appear, and proof being made before the said chief justice or next senior judge, by the oath of the plaintiff or one of the plaintiffs, or one good credible witness, of the said defendant's being served with the said warrant, or of its being left at his last place of abode, or if he shall appear duly and neglect or refuse then to nominate two appraisers, then in either case a warrant under the hand of the said chief justice or next senior judge shall be issued and directed to three persons, two to be nominated and appointed by the plaintiff or his attorney as appraisers and the third by the judge issuing the warrant as an umpire, commanding them, at nine of the clock in the morning on a day certain therein to be specified, or at any time after on the same day, to view, value, and appraise such of the said commodities as have been taken from the said defendant by virtue of the aforesaid writ of execution, and if the same two appraisers cannot agree the said umpire to decide the same, but in case the defendant do appear at the day appointed for appearing to nominate appraisers and shall nominate his appraisers accordingly the said writ for appraisement shall be

When parties cannot agree as to price of produce taken in execution, chief acting judge on plaintiff's application to require by writ defendant to appear in four days and nominate two appraisers, to be joined with two appraisers of plaintiff and umpire named by judge.

If defendant fail in nomination plaintiff's two appraisers and judge's umpire to act without.

directed to five persons, of whom two shall be nominated by the defendant and two by the plaintiff as *appraisers*, and a fifth by the chief justice or senior judge issuing the warrant, to be an *umpire*; and in case the said appraisers or the major part of them, being so met, cannot agree about the commodities, such fifth person shall decide the same; all which appraisers shall before they make the said appraisement be sworn by the marshal or his deputy to the following oath, *videlicet*:

Appraisers and
umpires.

Oath.

‘ I *A.B.* do swear that I will make a just, true, and conscionable appraisement of all such cotton, ginger, sugar, rum, or other commodities of the growth or manufacture of this Island (*as the case may be*) levied on by the marshal or his deputy by virtue of a writ of execution issued against *C.D.* at the suit of *E.F.* as shall be shown me by the marshal or his deputy, according to the best of my judgment and understanding, and neither from favour or affection, hatred or malice or ill-will vary from the value which in my judgment I think the same be really worth if to be sold for gold or silver current money of Antigua.
So help me God.’

And in case a *majority of appraisers* do not agree the *umpire* shall be sworn to the same oath and immediately make his *umpirage*, and the marshal or his deputy who shall be present at such appraisement shall return the same certified under his hand and seal of office into the secretary’s office within three days after such appraisement shall be made, and give immediate notice to the parties that he hath returned the same.

Marshal to return
appraisement into
Secretary’s office in
three days.

Appraisers or umpire
neglecting to attend
and appraise to forfeit
50*l.*, recoverable with
costs by action or
information;

half to party grieved,¹
half towards forti-
fications.

If no appraisement
new warrant may be
issued.

If levy made on goods
not merchantable
produce grown in
Antigua, marshal to
re-deliver them to
defendant or his at-
torney or agent, if
security given to re-
turn same at the end
of twenty-three days
after date of bond.

109. And in case such appraisers or umpire, being personally served with a copy of such writ, with an indorsement or notice in writing therewith, specifying at what place the things taken in execution are to be appraised (such service to be at least twenty-four hours before the time required for attendance), shall refuse or neglect their or his duty in making such appraisement according to the tenor of such warrant, unless prevented by sickness or other unavoidable accident, they or he shall forfeit the sum of fifty pounds current money of this Island, to be recovered, with full costs, by action or information by the party grieved, his executors or administrators, and shall be levied and applied, one half to the use of His Majesty, His heirs and successors, to be paid into the treasury of this Island, and applied towards the building and repairing the forts and fortifications of this Island, and the other moiety to the use of the party grieved, his executors or administrators; and in case there shall not be any appraisement made pursuant to the first warrant issued, the chief justice or in his absence or sickness the next senior justice may and shall issue a warrant for such appraisement, directed to any other four appraisers and an umpire, such as he shall think proper, and so as often as occasion shall require, which last-mentioned appraisers and umpire shall be subject in all respects as those first named to the penalty for not doing their duty.

110. That whenever the levy shall be on any goods and chattels not being the merchantable commodities of the growth of this Island, the marshal or his deputy shall be obliged, upon request of the defendant, or in his absence from the Island his agent or attorney, to deliver the same to the said defendant, his agent or attorney: Provided he or they do make the said request and make oath and give bond in six days after the said goods or chattels have been actually seized or taken in possession with two sufficient sureties, all to be bound jointly and severally, either in the name of the plaintiff or plaintiffs or in the name of the said marshal or his deputy, to return the same at the end of twenty-three days after the day of the date of the said bond in order to be sold at public outcry towards satisfaction of the plaintiff’s debt, or else to pay and satisfy the

said debt and costs at the expiration of the said twenty-three days; and the species of the goods so levied on shall be particularly specified, either in the condition of the bond or indorsed on or annexed to it; and before such surety shall be accepted the Defendant or his agent or attorney, if the defendant be absent, if thereto required by or on behalf of the plaintiff shall make oath that he will not remove from this Island nor conceal or willingly suffer to be removed or concealed or any way alter the property of any such goods or chattels, but will re-deliver the same pursuant to such bond as far as ever he shall be then able or have it in his power, in order to be sold for the plaintiff's judgment; and the securities before they shall be accepted shall each make oath that he thinks in his conscience he is worth the value of the things returned, which oath shall be taken before a judge of this court and lodged in the Secretary's office of this Island, or else such goods shall be dealt with and sold as though no security was given at all for the same.

Defendant or agent if required to take oath.

Securities oath.

111. And if the condition of such bond be not performed, then shall issue a new execution, either against the defendant or his sureties or any one or two of them, jointly or severally, at the plaintiff's choice, which new execution shall issue, upon such request, entry upon record, and with and under such circumstances as in case of execution against purchasers of lands and tenements failing to pay their purchase money in time as herein-after directed, and shall recite concisely the substance of the first execution, the levy, the marshal's return thereof, the security bond, both date and substance of the contents, and the marshal or his deputy are hereby respectively empowered by such new execution to levy upon the goods, chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts of the said defendant or his sureties for as much of the penalty of the said bond as will amount unto the value of such or so many goods and chattels as were delivered unto the defendant and not duly returned, with twenty *per centum* more upon the amount of such value, and so in proportion with costs on the same to the plaintiff's use in case the same were appraised by procurement of the defendant, and if not so appraised, then to levy for as much of the penalty as will satisfy the plaintiff's execution, with twenty *per centum* thereon, and the same goods, chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts immediately to sell and dispose of by public outcry at any town in this Island for ready gold and silver money paid down in hand, and the produce wherof the said marshal or his deputy is to deliver to the plaintiff, as far as necessary, to satisfy his said demand; and in case the said marshal or his deputy cannot find goods and chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts of the defendant or his sureties sufficient to answer the said value, if so settled by appraisement, and twenty *per centum* thereon, or in default of such appraisement sufficient to pay the said twenty *per centum*, with the debt and costs, he is then to attach the bodies of the defendant and his sureties, or any or either of them, and him or them safely to keep until the said debt and all costs of the said appraised value, if so settled by appraisement, as the case shall require, with the aforesaid twenty *per centum*, shall be satisfied and paid, with the subsequent costs of levy; and such new execution shall bind all the lands, tenements, goods, chattels, hereditaments, rentcharges, and annuities of the person or persons liable to such new execution in the hands of any person or persons purchasing the same after issuing and minuting and alphabetizing the same in the Secretary's office, all which the Secretary or his deputy are required thereon to do as directed in case of execution against purchasers of lands making default of payment, and before delivering the same new execution out of his office.

If condition of bond not performed new execution (sued out as executions against purchasers making default in s. 129) to issue against defendant and his sureties, or any one or two of them, to levy (taking the various property according to the order in s. 103) so much of penalty as will be equal to debt or appraised value of goods, and 20 per cent. more, with costs.

If levy insufficient to imprison defendant and sureties, or any one or two of them.

New execution to bind property in hands of person purchasing after issue.

Security bond taken in marshal's name may be assigned to plaintiff and proceeded upon by new execution, as in s. 111.

Court may give same relief against penalty as in case of bail bond, s. 19.

If bond not given marshal to keep goods in common goal and advertise and sell them at any time after ten clear days notice.

If bond given after property advertised, sale to be postponed till twenty-third day after date of bond.

If marshal makes undue delivery of goods or chattels defendant not to forfeit 20 per centum, but security bond given by marshal under Act No. 8 shall be deemed forfeited, and plaintiff may commence action and proceed against marshal for the twenty per centum debt, damages, and treble costs. So also if marshal take bond in plaintiff's name and refuse to assign it.

Marshal to recover from defendant only to amount of sum in

112. That such bonds taken for returning goods or chattels taken from a defendant in execution, if taken in the marshal's name or his deputy's shall be assignable to the plaintiff or plaintiffs, and all such last-mentioned bonds shall be liable by a new execution (as the first process, as before directed, in the names of the plaintiffs), and be defeasible as before directed in case of bail bonds to the marshal, or as near the same manner as the reason of the case will permit, always taking care the plaintiff or plaintiffs be first satisfied according to the true meaning of the condition of such bonds; and if such last-mentioned bonds be in the marshal's name the new execution is to mention it with the assignment of it briefly, and all such bonds shall be defeasible upon legal satisfaction and such order shall be made thereon by the court as shall be reasonable.

113. And in case any goods or chattels shall be taken from a defendant or defendants and he shall neglect to make application and actually give bond to the marshal or his deputy within the time herein-before limited for having them delivered to him or them, the said marshal or his deputy is to keep them in his custody and possession in the common goal of this Island at the defendant's expense, and forthwith to advertise the same for sale at any time after the expiration of ten days (exclusive of the day of sale and day of notice), and at the end and expiration of the time mentioned in the said publication to proceed to make sale of them by public outcry in the method directed and appointed by this Act.

114. That if such goods or chattels shall have been advertised for sale before such security bond as herein-before mentioned shall have been given, and such security bond shall be afterwards given within the time herein-before limited, then advertisements or publications shall be made signifying that the said sale is postponed, and the time and place to which such sale is postponed; and where such security bond is given the sale shall be upon the twenty-third day after the date of such security bond, except where such twenty-third day shall happen to be Sunday, and then upon the twenty-fourth day.

115. That in case the marshal or his deputy shall unduly make any delivery of goods or chattels taken in execution without observing the methods of proceeding, and taking bond as hereby directed, the defendant or defendants shall not be liable to any twenty *per centum* in respect of those goods or chattels, but it shall be deemed a direct breach of the condition of the security bond given pursuant to the Act of this Island in such case made and provided by such marshal or deputy, and the same bond shall thereon become forfeited; or in case there be a bond taken duly by such marshal or deputy and he shall refuse to assign it as herein-after directed in six days after the demand, or if he shall refuse or neglect to deliver it in such six days if taken in the plaintiff's name to the plaintiff, his counsel or attorney, requesting the same, that also shall be a direct breach of the condition of such marshal's security bond, and the same bond thereon be forfeited and suable as the law directs, for the benefit of the party; or in either of the said cases the marshal or his deputy may be sued in action of case or debt as the party injured pleases, but yet not to be any discharge to the defendant until the plaintiff's demand is satisfied; and the marshal, his deputy and securities, shall answer twenty *per centum* to the plaintiff and his debt and damages, with treble costs of suit, for default of taking such bond duly or for default of so assigning or delivering the same to the plaintiff, his counsel or attorney, upon such request; and if the debt with the costs and damages, partly or wholly, be levied on or paid by the marshal, or his deputy or securities, he or they may make use of

the plaintiff's judgment and execution to repay themselves so much as paid by judgment and execution or levied on him out of what is due on the plaintiff's judgment and execution to the Plaintiff, and no further, and he shall not be entitled to levy any twenty *per centum* thereon.

116. And forasmuch as dead goods cannot be immediately removed when levied on, be it also enacted by the authority aforesaid, That if any dead goods or chattels whatsoever shall be levied on and taken in execution the same shall be immediately inventoried by the marshal or his deputy, and shall be deemed to be in custody of law although the marshal do not keep actual possession thereof, and if the same be not removed or sent off immediately, and such goods and chattels shall happen to be embezzled, destroyed, injured, or made away with before the same can be carried or sent conveniently from the place in which they were levied on, the same is hereby declared a great contempt of the said court, and the person who shall so embezzle, destroy, injure, or make away with the same goods or chattels, or shall be aiding, assisting, or advising thereto, or shall be suspected so to have done (oath being made before some one of the judges of the court of such embezzlement, destroying, injuring, or making away with, and the affidavit filed in the Secretary's office), shall be brought in by attachment, and examined upon interrogatories touching such contempt, and being proved guilty, or confessing the same, shall be fined for such contempt and committed until he pays the same, with costs of the contempt, and until he or they pay into court the value of the goods and chattels so embezzled, destroyed, injured, and made away with, the value to be settled by the court, without a jury, on due examination and to be paid for the use of the plaintiff; and also shall suffer further, if the court think proper, any imprisonment without bail or mainprize, for any time not exceeding thirty days in the common gaol; but nevertheless it shall be at the election of the plaintiff to levy further for the value of the goods lost, embezzled, or made away with on the defendant, and such levy, if made, shall discharge the persons embezzling, making away with, destroying, or injuring from making good the same value, but not from any other punishment for their contempt.

Dead goods or chattels on being taken in execution to be inventoried by marshal; though not taken away by marshal to be deemed in custody of law; embezzling, destroying, or withdrawing them a great contempt, for which court may fine and imprison.

Plaintiff may make further levy to value of goods embezzled.

117. And in case any defendant or buyer as aforesaid shall show any goods or chattels, belonging to any other person at that time, to the marshal to be levied on by him, and that thereby such goods or chattels shall be recovered or lawfully taken from the person or persons purchasing the same, his heirs, executors, or administrators, such defendant shall forfeit double the value of the said goods and chattels to the party grieved, his executors or administrators, to be recovered in any court of record in this Island by an action of debt or case, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

Defendant, &c. showing goods the property of another to marshal to be levied on to forfeit double value.

118. And if any goods or chattels taken from a defendant or from a purchaser, either of lands, tenements, hereditaments, goods, or chattels, die or perish before the sale, the marshal or his deputy may make a further levy; and if the loss of the said goods or chattels hath been occasioned by abuse or neglect of the marshal or his deputy, the said marshal or his deputy shall be responsible for the same to the owner or proprietor thereof; and such goods or chattels so further levied on shall be sold without further notice at the same time and place as those dying or perishing were to be sold, if time permits after such death or perishing, or else on that day sevensnight, if it can be done, or as soon after as conveniently may be done, at the same place, without further publication.

If goods perish before sale further levy may be made, but marshal responsible for any loss through his own abuse or neglect.

Defendant to be at charge of removing goods to place of sale; if he neglects marshal to remove them.

Court to settle charges if disputed.

Goods levied on to be set up in parcels.

No sale of lands finished till sunset. Property to be sold at any such town in s. 124 as Defendant by timely notice shall appoint.

St. John's Town the paying place. Goods to remain with marshal till payment, at charge and risk of purchaser.

Purchasers at marshal's sale to make deposit or bidding to be void.

See No. 96.

Execution creditor entitled to sum equal to deposit, not obliged to pay down more.

119. That the defendant shall be at the charge of carrying all his goods and chattels taken in execution to the place of sale, and if he refuse or neglect the same, the marshal or his deputy is hereby authorized and required to provide carts and cattle and such other necessities as shall be convenient to carry the same, the charge whereof shall be defrayed and borne by the defendant and to be deducted out of the produce of the said goods and chattels, and on dispute about the charges as to the sum to be allowed the court shall settle it.

120. That whenever any goods or chattels are to be sold at outcry the marshal or his deputy shall set the same up in parcels, and that all such sales by public outcry shall begin at ten o'clock in the forenoon, and if the sale shall not be concluded at one o'clock in the afternoon of the same day the same shall be adjourned until three o'clock in the afternoon of the same day, and all such sales shall continue while there is anything to be sold until sunset, and that no fresh lot whatsoever shall be set up *after* sunset, at which time the provost marshal shall adjourn the same sale to the next day, Sunday excepted, and so on from day to day until the whole shall be concluded: Provided always, that the sale of lands or tenements shall be finished at the setting of the sun and not before, and that all such goods and chattels or other things taken from the defendant shall be sold at such place as the defendant shall appoint; provided it be one of the towns mentioned in this present Act and that the defendant do signify the same to the marshal or his deputy before he causes publications to be fixed up, but if the defendant shall neglect or refuse to give the said marshal timely notice of the place where he will have the goods and chattels sold or disposed of, then the said marshal or his deputy shall cause them to be sold in the town of Saint John, where all purchasers have liberty to make their payments, and each purchaser shall have fourteen days after the sale for making his payment, and that the said goods and chattels do remain in the custody of the marshal or his deputy at the *charge of the purchaser*, at the purchaser's *risk* in case of death, until he, she, or they do make payment.

121. And in order to prevent persons in indigent circumstances from wantonly bidding for the purchase of any lands, tenements, goods, or chattels sold by the provost marshal or deputy provost marshal as aforesaid, to the prejudice of the party or parties interested in such sale, be it also enacted by the authority aforesaid, That the best bidder for such lands, tenements, goods, or chattels shall immediately pay into the hands of the said provost marshal or deputy provost marshal, in current gold or silver money, the sum of five pounds for every hundred pounds bid by him, her, or them if the purchase money or sum bid does not exceed the sum of one hundred pounds; the sum of four pounds for every hundred pounds bid by him, her, or them if the purchase money is more than one hundred pounds and doth not exceed the sum of two hundred pounds; the sum of three pounds for every hundred pounds bid if the purchase money is more than two hundred pounds and does not exceed three hundred pounds; the sum of two pounds and ten shillings for every hundred pounds bid if the purchase money is more than three hundred pounds and does not exceed five hundred pounds; the sum of two pounds for every hundred pounds bid if the purchase money is more than five hundred pounds and does not exceed one thousand pounds; and the sum of twenty shillings for every hundred pounds bid if the purchase money is more than one thousand pounds; or in default thereof such bidding shall be wholly void, and the next best bidder who shall make such deposit or payment as aforesaid shall be declared the purchaser of such lands, tenements, or chattels: Provided always, that no execution creditor who shall be entitled to *so much of the monies arising from such sale as will be sufficient to pay or satisfy the said deposit* shall be obliged to pay down any further or

other sum; and in order to prevent many inconveniences which have arisen from debtors or defendants having bid for their own lands, tenements, goods, or chattels sold by virtue of executions, be it also enacted by the authority aforesaid, That no defendant or defendants shall be permitted to bid or become the purchaser or purchasers at the marshal's sale of any lands, tenements, goods, or chattels sold by virtue of any writ or writs of execution.

Defendant not to bid or purchase.

122. And the marshal or his deputy is hereby respectively required, on demand, to give a receipt in writing to any purchaser on executions, and any defendant or his attorney paying anything towards discharge of any execution, for the particulars received, and for what, *without any fee or reward*, under the penalty of five pounds current money of Antigua, and treble costs, recoverable and to be sued for in the like time and manner and to the same uses as in the case of neglecting or refusing a receipt for an execution.

Marshal to give receipt, if required, for monies paid by purchaser or defendant. S. 93.

123. That all lands and tenements of freehold or for years levied on by virtue of this Act, with all buildings, mill, stills, coppers, and improvements thereon, shall or may be sold at public outcry upon the fortieth day after the writ or writs of executions hath or have been delivered to the said provost marshal or his deputy, exclusive of the day of delivery by the provost marshal or his lawful deputy, to the best bidder, and if such fortieth day shall happen to be Sunday such sale shall be on the day following: Provided, nevertheless, that if the defendant pay all the executions then in the marshal's hands against such defendant on or before the said fortieth day the lands and tenements shall be discharged thereof.

Lands and tenements may be sold on fortieth day after writ of execution has been delivered to marshal, exclusive of day of delivery.

124. That no plantation, lands, or tenements shall be exposed to public sale until thirty days after public notice shall have been given in all the newspapers then printed in this Island of the particulars levied on and the place of situation and the day of sale, and if no public newspapers shall be then printed in this Island the said provost marshal or his deputy shall cause publications thereof to be fixed up at the south gate of the court house in the town of Saint John, and in some conspicuous place in each of the towns of Parham, Falmouth, Willoughby Bay, and Old Road.

No lands or tenements to be sold until thirty days after public notice. *Iz. No. 85, s. 11, notice to be computed from date of first newspaper in which it shall appear.*

125. That in order to prevent purchasers being discouraged through ignorance of the title of lands and tenements, the plaintiff who has the first execution or some other plaintiff who has execution is to take care to procure the title deeds and papers of lands and tenements levied on out of the register's office and leave them with the marshal ten days before the day of sale with a brief of the title drawn and signed by counsel and one or two counsel's opinion on the title, in order to inform purchasers; and such fees shall be paid to counsel for such brief and his or their opinion as shall be allowed by the Chief Justice of the Court of Common Pleas, and in case of his death, sickness, or absence, by the next senior justice of the same court, all which fees as well as those of the register shall be first paid out of the purchase money, and the marshal shall mark on the case the day, month, and year he received it, and until such deeds, brief, and opinion shall be so lodged as aforesaid the marshal or his deputy shall not proceed to the sale of any lands or tenements levied on by him, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Title deeds of lands levied on, with brief and counsel's opinion, to be left with marshal ten days before sale.

Fees out of purchase money.

Marshal to minute day of receiving deeds, brief, and opinion, and not proceed to sell without.

126. That where the freehold lands or tenements of the defendant levied on are more than sufficient to pay off the execution or executions in the marshal's hands against him the defendant may in such case choose which part of the said lands or tenements he will have sold and have the same appraised, which appraisal, if delivered to the provost marshal or his lawful deputy, sworn to by the appraiser before the Chief Justice or one of the puisne judges of the Court of Common Pleas within ten days after such notice or publication of sale as afore-

Where freehold of defendant is more than sufficient to pay execution, he may choose what part he will have sold, if he delivers to marshal appraisal verified as in clause.

Where the property sold exceeds execution, marshal to pay surplus to defendant in six days.

Remedy omitted in this Act, but see No. 35, s. 1, and 145, s. 16.

Leasehold estate of defendant to be sold altogether.

Conveyances by marshal of lands and tenements sold in execution to be at expense of purchaser, and to be as effectual as if by defendant if duly recorded in register's office.

Marshal, if required, to give purchaser possession.
Marshal's sale or certificate not sealed sufficient for goods and chattels.

Conveyance by marshal executed and acknowledged before register, as effectual to bar entails, &c. as if executed by defendant to purchaser in all respects conformably to Act of the Leeward Islands of 21st June 1705, No. 32.

said, shall preclude the marshal from selling any other than such part of the same lands or tenements, if the same shall prove sufficient to satisfy the execution or executions levied; but if the same should not be sufficient, or the defendant neglect to leave such appraisement aforesaid with the provost marshal or his lawful deputy within the time aforesaid, then the marshal on the day of such sale shall sell such part thereof as shall be sufficient to pay the said debt and costs, or the whole if necessary, and pay back to the defendant the surplus of the money arising from such sale, after paying off the execution or executions and all costs thereon within six days after his receipt of the same money; and if the marshal neglects to pay such surplus money within the time aforesaid to the defendant or his or her attorney, such defendant or his or her attorney shall have the same remedy to obtain the same as herein-after given to a plaintiff in an execution where the marshal neglects to pay him or her the money in the marshal's hands by virtue of any sale by him made; and where the defendant has only a lease for years in lands alone or in lands, cattle, and utensils, there shall be no selling by parcel or parts, but the defendant's whole benefit, term, estate, advantage, improvement, and interest in the whole together shall be sold subject to the covenants, rents, payments, agreements, and engagements in the lease contained to be done and paid and performed by the lessee, and publication and sales to run accordingly, to the end the lessor may not be injured.

127. That conveyances of lands, tenements, and hereditaments sold in execution shall be made by the provost marshal or his lawful deputy of this Island at the costs of the purchasers thereof, and shall be good for such estate, trust, equity of redemption, and interest therein to such purchaser or purchasers, their heirs, executors, administrators, and assigns, as the party from whom they were taken by executions could have made or granted or was entitled to, and no longer or otherwise, so always as the conveyances passing any such lands, tenements, or hereditaments be acknowledged before the register of this Island or his deputy for the time being and duly recorded in the register's office as usual and the laws of this Island require; and the marshal and his deputy shall and are hereby required and empowered to put all purchasers of lands in quiet possession, if required, and the marshal's or his deputy's sales or certificates only, not sealed, shall be good for other goods and chattels to the purchasers as far as the person or persons from whom they were taken had title.

128. And whereas deeds with acknowledgments to bar entails, reversions, and remainders are become the common assurance to purchasers, mortgagees, and creditors, when executed pursuant to a certain General Act of the Leeward Caribbee Islands in America, passed in the reign of Her late Majesty Queen Anne, intituled "An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds, duly executed and acknowledged before any of Her Majesty's Justices of Her Court of Common Pleas in the Kingdom of England or Ireland, or any of these Islands, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster," dated at Nevis the twenty-first day of June one thousand seven hundred and five: Be it therefore enacted by the authority aforesaid, That all deeds of sale which shall be executed by the marshal or his deputy by virtue of this Act, if executed and acknowledged before the register of deeds of this Island, shall be to all intents and purposes as effectual to bar entails, reversions, and remainders of the lands, tenements, hereditaments, and rentcharges, with the appurtenances, issues, and increase, as if the tenant in tail whose estate, right, title, or interest is sold had at the time of the sale in all respects duly executed and acknowledged a deed or deeds thereof

as required by the last recited General Act, and had declared or limited the uses thereof for valuable considerations to the purchaser or purchasers thereof under the provost marshal or his deputy, or his or their heirs or assigns for ever.

129. That in case the purchaser shall not within *forty days* after such purchase by him or her complete the said purchase as herein before or after directed, the benefit of such bidding shall be lost to the bidder or purchaser, and an execution shall be formed for that purpose, reciting briefly the first execution and levy thereon and the bidding and failure of completing the purchase, and shall issue at the instance of the plaintiff or defendants, or either of their counsel, at any time of the year, returnable in twenty days after the *teste*, to levy twenty *per centum* on the purchase money and after that rate, with costs of the new execution thereon, to be taxed before the chief justice, or in case of sickness, death, or absence from the Island, the next senior justice of this court, upon the lands, tenements, hereditaments, goods, chattels, rentcharges, annuities, and debts of such purchaser, or in default to take his body, and in the same course as execution for debt, costs, and damages against a defendant; and the said twenty *per centum* shall go and be applied, first to pay the costs on the new execution, and then to pay the costs of the former executions, and then to the discharge of the debts due on such executions in due course of law, and, if any surplus, the same shall be paid to the defendant; and the defendant's lands or tenements shall be again set up to sale, ten days notice being first given in some of the next weekly gazettes that shall be printed after such forfeiture, if such gazette shall be then printed, and if no weekly gazette shall be printed publication shall be made as herein before directed; and the marshal is hereby directed, within ten days after the expiration of the fortieth day after the sale of any real estate (except where the biddings at such sale shall exceed five hundred pounds and such security be given as is herein mentioned), and within ten days after the expiration of the fourteenth day after sale by him made of any personal estate, to apply to the plaintiff's counsel or any other counsel to make out such execution against the person or persons who shall neglect to pay down the purchase money by him, her, or them bid within the time *herein-before required*; and if the marshal shall neglect to make such application he shall forfeit the sum of one hundred pounds current money of the said Island, with treble costs, on each neglect, recoverable and to be sued for in like manner and to the same uses as in the case of neglecting or refusing a receipt for an execution.

130. That immediately before the Secretary shall part with the new execution there shall be made, by the Secretary or his deputy, an entry among and with other entries in the action on which the first execution issued, "That on such a day and year an execution went out against *A.B. (naming his name)* for twenty per centum on the purchase money, with the costs (*specifying the particulars*), as a purchaser of the defendant's lands or tenements taken in execution and not completing his purchase;" and the Secretary shall at the same time alphabet the plaintiff's and purchaser's names as if the plaintiff had obtained a judgment against the purchaser, and any person whosoever who shall, after so issuing such execution last mentioned, purchase any lands, tenements, hereditaments, rentcharges, or annuities of such persons so failing against whom such last-mentioned execution issued shall be liable to have what he shall so purchase levied on and sold by such new execution as though no sale or conveyance thereof was made to him.

131. And whereas experience hath shown that by allowing a purchaser a longer time for payment of the purchase money than forty days, the time hereinbefore limited for completing his purchase, the lands and tenements levied on have always sold for a much greater value, whereby creditors have been benefited

If purchaser of lands do not complete his purchase in forty days, execution to issue against him to levy forfeiture of 20 per centum, with costs, &c.

If property insufficient to take the body. Application of the 20 per centum.

Defendant's lands, &c. to be again set up to sale after ten days notice.

S. 124.

Marshal to put execution in course against purchaser under penalty, except as in s. 131.

See beginning of clause. See s. 93.

Secretary immediately to enter execution for forfeiture of 20 per centum among proceedings in action leading to first execution; second execution to bind purchaser's lands, tenements, hereditaments, rentcharges, and annuities.

by having large sums paid towards their debts and unfortunate debtors have been thereby much eased: Be it and it is hereby enacted by the authority aforesaid, That where any person shall become the best bidder for any lands or tenements of any defendant under a judgment and execution at law as aforesaid, and shall not be minded to pay down the whole of such purchase money within the said forty days before limited for payment thereof, then and in such case, where the best sum bid for any lands or tenements so sold in execution shall *exceed five hundred pounds* current money of Antigua, and not otherwise, such purchaser shall be allowed eight calendar months more next after such forty days expired for payment of the same purchase money, or such part thereof as such purchaser shall not pay within the same forty days, upon giving security within the same forty days to pay the same at the end of such eight calendar months, with interest, in manner as herein-after mentioned and directed.

Purchaser of lands or tenements for more than 500*l.* may have time for payment extended to eight months and 40 days, giving within the first 40 days the security particularized in s. 132. No. 96.

Security to be by recognizance from purchaser and two or more sureties, each separately bound in a double penalty. Sureties not to exceed six.

Security to be for the whole money unpaid, &c.

132. That the security which shall be given for payment of such last-mentioned purchase money shall be by one or more recognizance or recognizances to be entered into by the purchaser, with two or more sufficient sureties, who shall be freeholders of sufficient substance in this Island, and the recognizance shall be several for the whole money each security becomes bound in, and be in double the sum for which such person becomes bound: Provided always, that the number of such sureties shall not exceed six, and that no purchaser shall be entitled to the indulgence herein-before granted unless such purchaser shall give security within the time herein-after mentioned for the whole purchase money unpaid at the time of such recognizance entered into, reserving always to such purchaser a power of giving security for any part of such purchase money, in such proportions as he thinks proper, so that the whole of the purchase money unpaid at the time of such security entered into be well and sufficiently secured according to the true intent and meaning of this Act, and the same shall be made to the provost marshal or his deputy by his *name and title of office* of provost marshal or deputy provost marshal of Antigua, and to his successors in the same office for the time being as provost marshal or deputy provost marshal, and such recognizance in other respects to be in common and proper form, save only that the same shall be conditioned as herein-after mentioned, and shall be sealed and delivered by the persons bound, in presence of some witness, and acknowledged before the register of deeds of this Island for the time being or his lawful deputy, or else shall be sealed and delivered before and attested by such register or his deputy as a witness, all to be done within the said forty days, or else the benefit the purchaser is to have of eight months time by giving security shall be lost, and the register or his deputy is to set down in words at length the day of the month and year of the acknowledgment or sealing and delivery before him, and immediately to record the same at length in his office; and also, after so recording, the register or his deputy shall without delay send the original, with his attestations and indorsement and in what book recorded, to the provost marshal or his deputy, to be filed in his office for the use of the creditors, and in case the original shall be lost a copy attested by the register or his deputy shall be equal in all respects to the original; and the condition of such recognizance shall be in substance as follows; *videlicet*, it shall recite that,

CONDITION of recognizance.

‘ WHEREAS on such a day and year the lands and tenements of *C.D.* (naming the defendant’s name) were sold at outcry, and were then bought by the said *A.B.* (naming the purchaser’s name) for the sum of _____ current money of Antigua (or gold or silver current money of this Island, as the case shall be), which lands and tenements were as follows (that is to say) ALL that piece or parcel of land (mentioning the quantities and butts and bounds of the lands and

where lying, and describing the buildings and improvements thereon as near as may be NOW THE CONDITION of this recognizance is such, that if the above-bounden *A.B.*, his heirs, executors, or administrators, do well and truly pay or cause to be paid unto the said provost marshal or deputy provost marshal of Antigua, or his successors in the same office, within eight calendar months next ensuing the date hereof, the sum of _____, current money of Antigua, or gold and silver current money of Antigua (*mentioning the sum for which such surety becomes bound*), and in such manner as law shall then require of persons purchasing lands and tenements of defendants, sold in execution in this Island, with interest also from the day of the date hereof, until actual payment, such interest to be at the rate that shall then be settled by the law in Antigua, and if no rate of interest so settled by law such interest to be at the rate of six per centum per annum, with a further forfeiture also at the rate of twenty per centum in gross upon the last-mentioned sum in case of nonpayment thereof the last-mentioned day, to be applied in due course of law for the use of the creditors of the said *C.D.*, THEN the above recognizance to be void, else to remain in full force.—*Or to the like purport and effect.*

133. That the provost marshal or his lawful deputy for the time being shall be and are respectively entitled and required to take such recognizance or recognizances in the name of himself and successors as aforesaid, and such provost marshal or his deputy to whom the said recognizance or recognizances shall be given, and his successors in the said office, shall be entitled to put in force and execute each of such recognizances in manner and form as herein-after directed, and that each of the said recognizances from the time of entering thereinto shall have the force and effect of a judgment entered into by each of the parties severally who are therein bound, and against each of them, and each of their lands and tenements of which *they or either of them* at the time of entering into such recognizance, or at any time after, was or were or may be seised, and of the same effect also, as to such parties, and such their lands and tenements, as though each of the same parties were purchasers of lands and tenements of the Defendant's by outcry in execution and had made default of payment of the purchase money, and also default of giving sufficient security by recognizance for payment of such purchase money as herein directed, and immediately before the register or his deputy shall take the said recognizance, he shall and is hereby required and empowered to swear each of the sureties severally to this oath; *viz.*,

Marshal to take recognizance in name of himself and his successors in office. Recognizance to have same force and effect as a judgment.

' I A.B. the deponent (naming himself or herself) do swear that at this time, according to the best of my knowledge and conscience, I am seised of lands and tenements of inheritance in fee simple in Antigua, of the full value of the sum of _____ (mentioning the sum for which he or she is to become bound) over and above all incumbrances lying thereon.'

Oath.

And the register shall write on the recognizance "*Justified on oath,*" and the sureties shall each sign his name under these words, which shall be indorsed or written on the said recognizance, and the register shall write "*Sworn before me,*" and sign it; and no recognizance shall be allowed as any security within this Act until this be done, all which shall be entered of record by the register before delivering the recognizance to the marshal, and the title deeds of such sureties shall be perused by counsel learned in the law if desired by the plaintiff or defendant in the cause.

Title deeds of surety to be perused by counsel if required by plaintiff or defendant.

134. That in case of giving such security by recognizance or recognizances, the marshal or his deputy shall convey the defendant's lands and tenements so

Security given, marshal to convey to

purchaser, subject to recognizance.

levied on and sold to and for the use of such purchaser as herein-before directed, and in the deed of conveyance shall recite the substance of the execution or executions for which such lands and tenements were sold, and of the recognizance or recognizances given for the payment of the purchase money and the condition of the same, as far as to show the time of payment and sum to be paid pursuant to such recognizance or recognizances; and the same conveyance to be with an express clause that the same lands and tenements are and shall be and remain charged and chargeable with the same monies, interest, and the penalty of twenty *per centum* on nonpayment, and to be sold therefore as law directs in case of default, and the same lands and tenements shall be and are hereby declared to stand charged accordingly, and be liable in case of default to be sold as herein-after directed.

If condition of recognizance not performed, justice of Common Pleas, on application of execution creditor, may order marshal to enforce recognizance.

135. That in case the monies and interest conditioned to be paid by such recognizance or recognizances shall not accordingly be paid, then at any time after the day of payment, upon application of any creditor by execution to any justice of the Court of Common Pleas, such justice shall by order in writing direct the provost marshal or deputy provost marshal to put such recognizance or recognizances in force, and the marshal shall proceed to execute such recognizance or recognizances as shall be then forfeited, and the manner of executing the same shall be as follows; (to wit,) the marshal or his deputy then in office shall set up publications, or cause advertisements to be inserted in the public newspaper, at any time in the year, without further writ or warrant for so doing, to sell at the end of ten days exclusive of the day of notice and including the day of sale the proper goods, chattels, lands, tenements, hereditaments, debts, annuities, and rentcharges of the said purchaser, which publication shall recite the substance of the recognizance and condition and forfeiture; and the sale may be at any time in the year, and if more money produced by the sale thereof than sufficient to pay the purchase money and the interest and the forfeiture of twenty *per centum*, the overplus to belong to the first purchaser; but in case it prove deficient to pay the same monies and interest with the said twenty *per centum* forfeiture and all fees of the marshal for such new levy, publication, and sale (which fees are to be the same as on original executions, and which shall be borne by such purchaser and his sureties), then and in such case the marshal shall levy all the said monies so deficient upon the proper goods, chattels, lands, tenements, hereditaments, debts, annuities, and rentcharges of the sureties or either of them, and shall and may sell the same to make good such deficiency, all for ready gold and silver monies down at public outcry to the best bidder; so as there be publications or advertisements of such sale to be made at the end of twenty days after such levy, and the publications are to be fixed up immediately or as soon as can conveniently be, and if no such estate or effects of the purchaser or his sureties sufficient then their or any of their bodies may be taken by force of the same recognizance as an execution and kept until all such monies, interest, and forfeiture, and costs of levy, publication, and sale, be all paid: Provided, if the purchaser or his sureties pay the same before the time of the publications expired respectively then no such sale shall be; but if any purchaser or his sureties shall die between the entering into such recognizance and before levy made in execution thereof, then before executing thereof against the estate of the deceased a Scire facias shall go thereon as on a judgment against the heirs, executors, or administrators and terre-tenants of such person dying to show cause why such recognizance should not be executed as law directs, to which the same pleas as are pleadable against a judgment may be pleaded, or any sufficient matter, save that as to lands, tenements, and rentcharges, the recognizance shall have force upon the recording thereof as an

Form of procedure.

After ten clear days notice by advertisement purchaser's property to be sold.

If insufficient then the sureties.

Twenty days notice.

If property insufficient their bodies liable.

Payment before expiration of notice to prevent sale.

If purchaser or sureties die between date of recognizance and levy, Scire facias shall issue and be pleaded to as Scire facias on judgment, save that recognizance to have force as execution from time of recording.

execution upon a judgment that day delivered into the marshal's hands is by this law to have; and when judgment shall be upon such Scire facias for execution the marshal shall and may procure a copy of the Scire facias and judgment, which shall be tested as herein-before directed for executions and under the secretary's hand, which shall be sufficient warrant to sell in execution, in all respects, the lands, tenements, and hereditaments, rentcharges, annuities, goods, and chattels of the defendant or his sureties for ready gold and silver money in the manner as near as may be as is before directed where the defendant or his sureties is or are living; but the plaintiff shall not be delayed by the purchaser's death, but shall have his election either to bring a Scire facias against the heirs, executors, or administrators and terre-tenant of the purchaser, or to proceed immediately against the sureties or either of them in the same manner as he might have done in case the purchaser's estate had proved deficient; and the marshal or his deputy respectively shall not accept of any part payment of the purchase money so secured, but must have the whole paid except where he is obliged to levy, and in such case must levy it as soon as he can; and no creditor shall be capable of receiving the same or any part thereof unless the marshal, after payment to him or levying it, assigns and pays it to such creditor; and the marshal or his deputy shall not be entitled to any fee or reward for receiving or paying the said monies, nor shall be paid levy fees for any part thereof by a creditor, save and except only he may deduct thereout his common fees for levies and sales before he pays it to the creditor, in proportion only and for so much as he shall pay over to such creditor, and the Chief Justice and Secretary shall have the same fees for the copy of the said Scire facias and judgment as they are respectively entitled to for an execution.

136. That the body of any person shall not be liable to an arrest or to be taken in execution in any civil cause on the Lord's Day, and that no person or persons on the Lord's Day shall serve or execute or cause to be served or executed any writ, process, warrant, order, judgment, or decree (except in cases of treason, felony, or breach of the peace, or escape, or except where any person hath been delivered to bail, in which case it shall be lawful for the bail of such person to surrender him upon a Sunday, and the provost marshal is hereby authorized and required to receive into his custody such person so surrendered), but that the service of every such writ, process, warrant, order, judgment, or decree shall be void to all intents and purposes whatsoever, and the person or persons so serving or executing the same shall be liable to the suit of the party grieved, and to answer damages to him for doing thereof as if the same had been done without any writ, process, order, judgment, or decree at all.

137. Had its effect.

138. Had its effect.

139. That where any plaintiff or plaintiffs shall have obtained any verdict at law and shall be stayed from entering up his, her, or their judgment thereon, or where judgment shall have been entered up and execution thereon stayed, or where execution hath been taken out or levied and the marshal shall be stayed from proceeding to sale thereon by virtue of any order or injunction of the Court of Chancery, it shall and may be lawful to and for such plaintiff or plaintiffs to enter up his, her, or their judgment on such verdict notwithstanding such order or injunction, and immediately after the dissolution of such order or injunction to take out execution upon such judgment, and the provost marshal or his deputy immediately after such execution shall be delivered to him, or if the execution had been delivered to the provost marshal or his deputy and the levy thereof stayed as aforesaid, shall immediately levy on the goods and chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts of

Plaintiff, on purchaser's death, may proceed by Scire facias against his representatives, or immediately against his sureties.
Marshal not to accept part payment of purchase money without levying for the rest.

Marshal not to have fees for receipts or payments, but only common fees for levy and sale.
Chief Justice's and Secretary's fees for Scire facias.

No person to be arrested or taken in execution, nor writ or process in civil causes executed on Sunday.
But bail may surrender principal on Sunday.

Judgment may be entered on verdict notwithstanding injunction.
Where execution or levy or sale has been stayed, marshal on dissolution of injunction to advertise sale and sell in 20 days after.

the defendant or defendants, or if execution had been levied and publications put up or not put up, or advertisements inserted or not inserted, and so stayed as aforesaid, that then and in all such cases the provost marshal or his lawful deputy shall set up publications for sale or cause advertisements to be inserted of what shall be levied on before or after such order or injunction in such places and towns as directed in the common and ordinary course of proceedings on executions and sales, and that the sale thereof in all and every the said cases shall be made on the twentieth day from the day of fixing up such publications or inserting such advertisements inclusive of the day of publication and the sale, unless such twentieth day shall happen to be Sunday, then on the twenty-first day, anything hercin-before or herein-after contained to the contrary notwithstanding.

140. Had its effect.

Vide No. 98, s. 11.

If person of defendant imprisoned by order of one execution creditor, marshal may levy on and sell property for satisfaction of prior or subsequent execution creditor, the creditor directing caption of the person being alone excluded from satisfaction out of the property during defendant's life.

If defendant has realty or personalty, marshal not to take his person unless directed or property found insufficient.

If defendant set free at his own request the property may be levied on without new writ.

If defendant taken die in execution, plaintiff or his representatives may have new execution.

[So much of this clause as relates to written interrogatories repealed by No. 214.]

141. And whereas a doubt hath arisen in case there are divers execution creditors and the defendant's body is taken and conveyed to prison by the directions of one execution creditor whether any prior or subsequent execution creditor can have a satisfaction of his debt out of the real or personal property of the defendant: Be it therefore enacted, That where any execution creditor shall direct the marshal to take the defendant and he shall be accordingly taken, yet it shall and may be lawful for the marshal to proceed to a levy and sale of the said defendant's property for the satisfaction of any prior or subsequent execution creditor, and that if any execution creditor shall direct the marshal to take the defendant's body and he shall be accordingly taken such execution creditor only shall be utterly excluded from any satisfaction out of the real or personal property of the defendant during the life of such defendant; and if the defendant hath any real or personal property it shall not be lawful for the marshal to take the body of the defendant if he showeth and produceth such property, unless the marshal shall be directed in writing so to do by the plaintiff; but if such property of the defendant shall be sold and be insufficient to satisfy any execution or executions against him, then the said marshal shall and may take the body of the defendant, unless directed to the contrary: Provided also and it is hereby also declared and enacted, that if any person taken in execution shall be discharged out of custody at his own request the creditor or creditors of such defendant shall or lawfully may at any time afterwards levy upon any lands, tenements, or other effects or property of such defendant without any further writ or warrant in the same manner as if such defendant had never been taken in execution.

142. Provided always, That the party or parties at whose suit or to whom any person shall stand charged in execution for any debt or damage recovered, his or their executors or administrators, may after the death of the said person so charged and dying in execution lawfully sue forth and have new executions against the goods, chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts of the person so deceased or dying in execution in such manner and form to all intents and purposes as he, they, or any of them might have had by the laws of this Island if such person so deceased had never been taken in execution.

143. And that it may be known whether and how far the person or persons in whose hands any debt or monies hath been attached or levied on as aforesaid was or were debtor or debtors to the defendant or defendants, and also to prevent such debtor or debtors from making any payment or payments to such defendant or defendants, or his, her, or their assignee or assignees, after such notice served or execution levied: Be it and it is hereby enacted by the authority aforesaid, That after judgment obtained by any creditor or creditors of the said defendant

or defendants such debtor or debtors, or his, her, or their attorney or attornies, shall attend before any one of the judges of the said court to answer such *interrogatories* upon oath as shall be exhibited by the plaintiff or plaintiffs touching the debt due to such defendant or defendants at the time of such notice or attachment served or execution levied or at any time afterwards, *which interrogatories shall be signed by counsel* and served on such debtor or debtors or his, her, or their attorney or attornies, with a copy of a summons signed by such judge appointing the time and place for such debtor or debtors attending to answer such *interrogatories* four days before the day appointed for such attendance exclusive of the day of service, and such service shall be by delivering a copy of such *interrogatories* and a copy of such summons to the debtor or debtors, or his, her, or their attorney or attornies, or leaving the same at his, her, or their respective usual place of abode; and in settling the debt due between such debtor or debtors and such defendant or defendants mutual credit shall be allowed between them, and only the balance in such debtor's hands to be liable to be paid; and the said judge who shall sign such summons and attend thereon shall have and take for his fee for such summons and attendance the sum of one pound ten shillings and fourpence current gold and silver money, and no more, which shall be taxed in costs.

Debtor to defendant to be examined on oath before judge respecting debt which has been attached. *Examination to be oral.*

No. 214, s. 16.

Four clear days notice to be given.

In settling debt mutual credit to be allowed and balance only to be paid.

Judge's fee.

144. And upon due service proved upon oath before such judge, and no attendance of the debtor or debtors, or his, her, or their attorney or attornies accordingly, such debtor or debtors or his, her, or their attorney or attornies shall be committed to close custody in the common gaol of this Island without bail or mainprize by warrant under the hand and seal of any such judge directed to the marshal or his deputy, there to remain until he, she, or they conform and be examined or confess that there is sufficient owing by him, her, or them, or his, her, or their constituent or principals, to pay the plaintiff's judgment, or if not sufficient shall declare upon oath according to the best of his, her, or their knowledge and belief what was actually and *bonâ fide* due at the time of the notice or attachment served or execution levied as aforesaid or at any time afterwards; and such notice or levy shall be to the debtor or debtors a sufficient bar to the creditor or creditors obtaining judgment for their debts until such attachment or levy is either discontinued or otherwise discharged or satisfied.

Debtor or attorney summoned failing to attend to be committed till he in examination confess debt equal to plaintiff's judgment, or declare amount due on oath.

Attachment or levy while continued to bar judgment from direct creditor.

145. And when anything is confessed or awarded due in any such debtor's hands the same shall be paid to the plaintiff towards his said demands within eighty days after found or confessed due to the defendant, if there be no writ or writs of execution then actually delivered to the provost marshal or his deputy, in which case the said debt confessed or awarded due shall be paid into the hands of the said provost marshal or his deputy, to be paid and applied towards the satisfaction of such writ or writs of execution as herein-before directed: Provided always, that if the debt so attached shall have arisen upon any contract or writing and the day of payment stipulated by such contract or writing shall exceed the time of eighty days as aforesaid, then the said debt shall be ordered to be paid in eighty days after such stipulated time of payment and not sooner. [No provision here for costs of attachment nor for issue of execution, if debt confessed or awarded. See No. 35, ss. 3 and 7.]

Debt confessed or awarded is to be paid plaintiff in eighty days after should there be no execution against defendant.

If debt arise on contract stipulating time for payment, money not to be paid till eighty days after time.

146. Provided always, if such debtor or debtors to such defendant or defendants shall think himself, herself, or themselves any way aggrieved by the determination of such judge, and is or are willing to contest and try the matter by a jury at law, and shall within six days after such determination give notice thereof in writing to the plaintiff or plaintiffs in the original action or suit or to the said provost marshal or his deputy, as the case shall require, or his, her, or their counsel, it shall and [may] be lawful for the plaintiff or plaintiffs in the original

Debtor may appeal from judge's determination giving notice in six days afterwards.

Matter in dispute to be tried by action against debtor at suit of plaintiff or marshal in plaintiff's name.

Debtor not to litigate debt confessed.

Defendant must attend judge with debtor (if served with copy of notice to debtor four days before), and deliver up writing if debt founded on specialty; account, if simple contract.

And shall in last case further answer on oath and give in witnesses names to prove debt.
Vide 214, s. 16.
Examination to be oral.

[So much of this and next clause as relate to written interrogatories repealed by No. 214.]

Wilful and corrupt perjury of debtor punishable as wilful and corrupt perjury at common law.
Vide No. 214, s. 16.

Examinations to be returned into Secretary's office.

action or suit, his, her, or their executors or administrators, or for the provost marshal or deputy provost marshal for the time being, as the case shall require, to bring any action or actions and finally to proceed thereon in the name or names of such defendant or defendants to the original action or suit, his, her, or their executors or administrators, against such debtor or debtors, his, her, or their heirs, executors, or administrators, for the debt or demand so due or supposed to be due to such defendant or defendants, and in such case no execution shall be awarded against such debtor or debtors by the judge before whom such matter shall have been inquired into, nor any further proceedings had therein before such judge, anything in this present Act contained to the contrary thereof in anywise notwithstanding: Provided also, that nothing herein-before contained shall extend to authorize or enable such debtor to contest or litigate before a jury any debt or sum of money confessed to be due or owing from such debtor.

147. And whereas such defendant or defendants may elude the intention of this Act if they are not compelled to assist the plaintiff or plaintiffs in the original action, or the said provost marshal or his deputy, as the case shall require, with proper means to proceed at law in the action or actions to be brought against such debtor or debtors: Be it therefore enacted by the authority aforesaid, That such defendant or defendants shall attend the judge before whom such debtor or debtors is or are summoned at the same time and place appointed for such debtor's attendance upon being served with a copy of the notice hereby directed to be served on such debtor or debtors four days before the day appointed for such attendance, and such defendant or defendants shall at the time of such attendance deliver up to such judge the specialty, note in writing, bill of exchange, order in writing, or other writing whereby such debtor or debtors is or are indebted to such defendant or defendants, and the said judge shall lodge the same with all convenient speed in the Secretary's office of this Island in order that the plaintiff or plaintiffs in the original action or the said provost marshal or his deputy may have access thereto; and in case the debt or demand due from such debtor or debtors be only a book debt or running account or other simple contract then the defendant or defendants in the original action shall at the time of his, her, or their attendance upon such judge not only answer *interrogatories* upon oath touching such debt, but also deliver to him an account in writing of the particular items due from such debtor or debtors to such defendant or defendants, with the Christian and surname or names of witness or witnesses who can prove such book debt, account, or other simple contract, if there be any such witness or witnesses, which account such judge shall upon request to him made deliver to the plaintiff or plaintiffs in the original action, his, her, or their executors or administrators, or either of them, or to his, her, or their counsel, or to the said provost marshal or his deputy, so as to enable him, her, or them to proceed in proper actions or other suits for the recovery of such debts or demands; and if in such action or actions to be brought a verdict shall be given for the defendant or defendants thereto, the plaintiff or plaintiffs in the original action, his executors or administrators, or the said provost marshal or his deputy, shall pay such defendant or defendants, his, her, or their costs to be taxed.

148. And in case of wilful and corrupt perjury of such debtor or debtors, he, she, or they shall and may be prosecuted by indictment, presentment, or information and be punished as in cases of wilful perjury at common law, all which examinations and depositions *with the interrogatories* shall be returned immediately after taking thereof under the hand of the judge taking the same into the Secretary's office of this Island, to be filed and remain of record and be and esteemed and adjudged a record and full evidence in law in case of prosecution for perjury.

Sections 149 and 150 repealed.

151. That all actions for small sums not exceeding *ten pounds current money* of Antigua founded upon simple contracts, notes in writing, orders in writing, or accepted orders, or for the balance of any account settled under the hand or hands of a defendant or defendants, or for the balance of any other account which did not originally exceed *thirty pounds current money* (but no other kind of action, nor for any collateral promise for a debt or duty due from another), may be examined, heard, and determined on a complaint by the court without any verdict of a jury; and every such complaint shall be served at least [*six days*] before the first day of holding the court at which it requires the party's appearance by leaving it or a copy of it with the defendant, or at his usual place of abode, and in default of such service in time the complaint shall be continued to the second court for complaints and the service to be good for such second court next after such undue service; and the plaintiff in a complaint where an account is depending shall deliver in an account in writing of his demand, which shall be annexed to the complaint served on the said defendant, and the plaintiff shall make out and carry two copies of his account to the Secretary's office one to remain in the office and the other to be annexed as aforesaid; and that complaints may not be multiplied, the judgment on a complaint shall and may be pleaded in bar to any other complaint which may be afterwards brought for any other demand the plaintiff had against the defendant or defendants preceding the entry of such first complaint by any contract, except demands arising by notes in writing exceeding *ten pounds*, bills of exchange, judgment, or specialty; and in case the defendant in such complaint shall have any demand against the plaintiff previous to the bringing of the said complaint and shall not set off the same in discount of the plaintiff's demand giving [24] hours notice to the plaintiff thereof before the next court for hearing or determining the said complaint, the judgment in such complaint shall and may be pleaded by the plaintiff in bar of any demand of an equal nature which the defendant had against him, upon any complaint to be thereafter brought by the defendant for the same; and on hearing and determining complaints mutual credit shall be given and judgment only for the balance where each party hath an account against the other; and where executors or administrators are defendants to such complaints they may plead "fully administered" generally *ore tenus*, and a short entry thereof to be made by the Secretary in the complaint book under the complaint, and the plaintiff shall have time to the next court of complaints to join issue thereon and the court then shall determine the same; and the executions upon complaints shall be to take and sell for ready gold and silver money by outcry in the town of Saint John in this Island in ten days the defendant's goods and chattels, and in default thereof to take the defendant's body, but in case of executors or administrators defendants, the execution shall be of the testator's or intestate's goods and chattels; and such complaints shall be heard on the second Tuesday [*in every month throughout the year*], or such other day not being a court day as the same court for complaints on necessary occasions shall be adjourned to, so as no such adjournment shall exceed [fourteen] days from the first day hereby appointed for each respective court of complaints.

152. Provided always, That if any complaint shall be entered against any person as the executor or administrator of another, and such executor or administrator shall make oath that he verily believes in his conscience he hath fully administered all the goods and chattels which were of the said testator or intestate that have come to his hands to be administered, before the service of the summons to appear and answer the said complaint, and that such goods and chattels did amount to more than the value of *thirty pounds*, then such complaint

vide No. 145, ss. 13, 14, 15.
Actions for small sums founded on simple contracts, notes, or orders, or for balance of account which did not originally exceed 30l., [No. 96], may be determined on complaint by court without jury; [increased to 5l. sterling by No. 214, s. 1, 27th May 1864.]
Summons with copy of account to be served [6 days] before holding of court. [No. 145, s. 14, 14th Sept. 1859.]
Service if too late to stand for next court. Another copy of account to be left at Secretary's office. Judgment on former to bar subsequent complaint for demand existing previously to former complaint, except demand arises from note in writing exceeding 10l., or from bill of exchange, judgment, or specialty. No. 214, s. 1.
Defendant not setting off demand against plaintiff [giving [twenty-four] hours' notice] shall not afterwards bring complaint for it. No. 145, s. 14.
Executors, &c. defendants to complaints may plead "fully administered," *ore tenus*. Executions on complaints. [13th Feb. 1846.]
Day for complaints. No. 92, s. 12.
Court may be adjourned not exceeding [14] days. No. 214, s. 1.

If complaint entered against executor, &c. and executor, &c. makes oath that he had before summons to appear fully administered and that assets exceeded 30l. no further proceed-

ings to be had, and plaintiff to pay costs of nonsuit, but may sue in Common Pleas. No. 96.

If plaintiff or defendant or witnesses of either cannot attend court their depositions may be taken before judge on eight hours notice to other party.

Judgment on complaint may be appealed from by either party giving notice in forty eight hours and lodging money adjodged due with Secretary, and giving security to prosecute appeal without delay, and pay treble costs if judgment affirmed, unless court certify probable cause for appeal, in which case only single costs to be paid.

In default of notice, lodgment of money, and security, execution to issue, and party barred from appeal.

Secretary on request of party appealing to certify proceedings in three days. Parties may plead *ore tenus* and deliver evidence in Common Pleas same as in Court of Complaints.

shall not be further proceeded upon and the plaintiff shall pay to the defendant the costs of a nonsuit, but such plaintiff shall nevertheless be at liberty to commence any suit in the said Court of Common Pleas in order to try the truth of such plea or allegation by a jury if he shall think proper so to do.

153. That in case the plaintiff or defendant in such complaint or his or their witness or witnesses shall be prevented by sickness or otherwise disabled from attending the court appointed for determining the same, then the deposition of such plaintiff or defendant or his or their witness or witnesses taken before any of the justices of the Court of Common Pleas shall be held, taken, and esteemed good evidence in such complaint as if the plaintiff or defendant or his or their witness or witnesses had given their evidence *viâd voce* in court, either party first giving to the other eight hours notice of such sickness or other disability and of the time and place of taking such deposition by delivering such notice to the plaintiff or defendant or his or their lawful attorney, or leaving the same at his or their last or most usual place of abode proving the service thereof, and that the evidence of such plaintiff or defendant or his or their witness or witnesses is material to the determining such complaint.

154. That if any party to any action, suit, or plaint that has been heard and determined in the said Court of Complaints shall think himself or herself aggrieved by such determination or judgment it shall and may be lawful for such party upon giving notice to the adverse party in writing within forty-eight hours after such determination or judgment to appeal from such determination or judgment and to refer the same to a trial by jury at a Court of Common Pleas, to refuse payment or compliance with the said determination or judgment, and in such case no writ of execution or other compulsory process shall be issued against such party, or if previously issued the same shall be stayed and suspended: Provided nevertheless, that the party so aggrieved and giving notice as aforesaid shall lodge the amount of the sum awarded (if any), or for which judgment may have been given, in the hands of the Secretary or his deputy as clerk of the court at the time of giving the aforesaid notice, and shall also at the same time enter into sufficient security to the said Secretary or his deputy that he or she will prosecute the same without any delay on his or her part at the next thereafter ensuing Court of Common Pleas, and will in case of judgment being there affirmed against him or her pay treble costs to the adverse party, without the court shall certify that there was probable cause for such reference or appeal, in which case single costs alone shall be recovered; and in default of such notice, lodgment of money (if any to be paid), and security, the said execution shall issue on the said judgment and the same shall not be stayed, suspended, or in any manner impeded, and the said party shall be barred from any appeal or reference whatsoever; and to the intent that all the proceedings had and entered into at the said Court of Complaints in any cause intended to be referred to the Court of Common Pleas before a jury for a re-hearing as above mentioned may be brought there with as little expense as possible: Be it further enacted, That when the party intending so to appeal or refer shall have given due notice and have lodged the sum of money (if any) for which judgment may have been given against him and shall have entered into the security as above required, the said secretary or his deputy shall, on his request, within three days afterwards certify the same, and shall send the original summons or the form of the complaint, the entry of the judgment, and all things touching the same under his seal in the form of a record into the said Court of Common Pleas, and all the parties thereto may plead in open court *ore tenus* and may appear and be heard as witnesses in the same manner as they are permitted to appear and deliver evidence in the said Court of Complaints; and the form of the certificate to be

endorsed on or annexed to the said record or proceedings to be sent into the said Court of Common Pleas by the said Secretary or his deputy shall be as follows :

‘ I hereby humbly certify that *A.B.* having been impleaded in the Court of Complaints at the suit of *C.D.* and judgment having been thereon given on the day of _____ against the said *A.B.* (or *C.D.*) and the said *A.B.* (or *C.D.*) having given due notice of his (or her) intention of referring the same to a hearing before a jury in the Court of Common Pleas, and having also complied with the other directions of the Act touching the same in all respects, I do therefore, at the request of the said *A.B.* (or *C.D.*) transfer the same, agreeable to the Act in such case made and provided, sealed with my seal, and dated this _____ day of _____ (E.F.) (L.S.) Secretary.’

Form of Secretary's certificate.

And for which certificate and trouble of making up the said proceedings the said Secretary or his deputy shall receive such fees as by the order of the said Court of Common Pleas may be established as a docket for the same. Secretary's fees. No. 226.

Sections 155 to 180, inclusive, repealed.

181. And in order to establish a certain course for determining criminal matters, be it and it is hereby further enacted by the authority aforesaid, That twice in every year at the court house in the town of Saint John in this Island of Antigua shall be held a court for hearing and determining criminal matters, which shall be called the “Court of King's Bench and Grand Sessions for Antigua,” which court shall have and is hereby invested with the same and as full power to hear and judge, determine and execute, in all criminal matters and pleas of the Crown arising within this Island, and the Islands thereto adjacent, and by law made part thereof, from high treason inclusive to the lowest misdemeanor and trespass included, within this Island, as the Court of King's Bench in that part of Great Britain called England hath in England, and as justices of oyer and terminer and general gaol delivery have there, and as justices of the peace in England in their sessions have there by law, and also shall have and are vested with the same powers to hear, try, judge, determine, and execute, in all matters for making, altering, and appointing public ways and paths, making constables and waywardens, and doing all such other things as by any law or Act of this Island justices of oyer and terminer, and general gaol delivery, and justices of the peace in their sessions, or any of the same justices, are empowered to do, and shall adjudge and determine in all and every the same matters according to the law and statutes of Great Britain in force or to be in force here, and the particular laws and Acts of this Island, and the general laws of the Leeward Caribbee Islands.

COURT OF KING'S BENCH AND GRAND SESSIONS. [Four sittings appointed by No. 181, s. 1.] Vide No. 145, ss. 2, 3. Power and jurisdiction of court to extend to criminal matters and pleas of the Crown, &c.

182. Provided always, That nothing herein contained shall be construed to bar or hinder His Majesty's Commander-in-Chief of these Islands for the time being at any time or times to issue a commission or commissions of oyer and terminer and gaol delivery for such particular ends and purposes as shall be thought necessary.

Commander-in-Chief may issue commission of oyer and terminer and gaol delivery for particular purpose. No. 145, s. 3.

183. That the said Court of King's Bench and Grand Sessions hereby established shall be and is hereby declared to all intents and purposes a court of record, and also that no particular commission shall be necessary for holding the said court or appointing justices thereof, but the justices thereof shall be and are hereby authorized and enabled to act in all things aforesaid by virtue of this Act, without further writ, commission, or authority.

King's Bench and Grand Sessions a Court of Record. Act, authority to court and judges without further commission.

Sections 184 to 190 had effect or repealed.

Officers of court.

191. That the clerk of the Crown of this Island for the time being or his lawful deputy shall be clerk of the Court of King's Bench and Grand Sessions hereby established, and the provost marshal of this Island or his lawful deputy shall be marshal of the same court for the time being.

Proceedings to be in English tongue and to assimilate to practice in English courts.

192. That the Court of King's Bench and Grand Sessions hereby established and the business thereof shall be carried on as has been usual in the English tongue, and by indictment, presentment, appeal, information, bill, petition, or otherwise, as agreeably as may be to the forms and practice of the courts of oyer and terminer and sessions of the peace in that part of Great Britain called England, and the usual practice heretofore followed in such courts held in this Island.

Two justices (also of Common Pleas) may take bail throughout the year in all cases as fully as King's Bench in England. Vide No. 92, s. 7.

193. And because the Court of King's Bench and Grand Sessions hereby established will sit but twice a year, be it therefore enacted by the authority aforesaid, That any two or more of the said justices of the said Court of King's Bench and Grand Sessions, being then justices also of the Common Pleas of this Island, shall and may at any time in the year take and admit bail in all cases as fully as a Court of King's Bench in England can do there in term time or out of term time [and by No. 35, s. 12, may, on motion of counsel, grant Habeas corpus, and remand or discharge with or without bail].

194. Had its effect.

Coroners, waywardens, and townwardens to attend court without notice.

195. That all coroners, waywardens, and townwardens and *constables* of this Island are hereby required, at their perils, to attend without further notice at the said court respectively from the beginning of the sessions to the end thereof, unless excused or sooner discharged by that court.

Repealed as to constables of divisions by No. 83, s. 1.

Officer or other person not attending court according to Act liable to fine. No. 96.

196. That all officers, coroners, waywardens, townwardens, constables, and other persons whatsoever who shall be required or are by this Act required to attend the Court of King's Bench and Grand Sessions hereby established shall be liable to fines on non-attendance not under *three* pounds nor above *ten* pounds current money of Antigua.

197. Repealed.

Recognizances not formally mentioning the style of the court to be binding.

198. That all magistrates, justices of the peace, coroners, and others hereafter taking or who have already taken recognizances or other securities of the peace for appearance at the sessions of the peace, although no mention shall be made of the particular style or styles of the court hereby established, the same shall be binding for appearance at the same court and forfeited for non-appearance, and also that all such recognizances shall be written with their conditions at full length and so returned, and not otherwise.

Recognizances to be returned at length.

Constables staves to be provided and kept in marshal's office,

199. That at the expense of the public of this Island there shall be provided a staff for each constable in the said Island of six feet long and of a proper thickness, and of a durable and tough wood, which shall be painted at top and the word "Antigua" painted thereon, which shall be lodged in the office of the said marshal, and shall be delivered out to the constables during the sessions of the said court, to be delivered to the marshal or his deputy at the end of such sessions, and the number of such staves to be kept up if any should be broken or lost.

for constables use during sessions.

200 and 201. Repealed.

Parties may have subpoenas for witnesses, with penalty, to be served as in s. 46.

202. Any person who shall be concerned to defend or prosecute anything in the same court hereby established shall and may have subpoenas for witnesses to attend, under penalty of fifty pounds current money of this Island forfeiture for each witness not attending, *to be served* and the *penalty to be recovered* in manner and for the same uses as is or shall be by law established in case of subpoenas for witnesses to attend in the Court of Common Pleas of this Island, *to be signed and sealed* only by the Secretary of this Island or his deputy for

Signed and sealed by Secretary only tested in King's name.

the time being, and shall be tested in the King's name, but nothing herein to hinder the binding over any witness to appear at the same court hereby established by recognizances heretofore used for appearance at sessions of the peace.

Clause not to prevent binding over witnesses.

203 to 217, inclusive, repealed.

218. That the said Court of Common Pleas shall and may from time to time make such further orders and regulations for the framing of any other writs or process for recovering the monies due and payable by such forfeited or estreated recognizances, or for the better regulation of the pleadings and proceedings in such causes, as to the said court shall seem proper.

Court may make further orders and regulations.

219. That the Court of King's Bench and Grand Sessions hereby established shall have power at the same sessions over any fines which shall be by such court laid or imposed, but not after, to mitigate or take off any fine by such court to be imposed.

Court of King's Bench and Grand Sessions may mitigate or take off fines imposed at same court.

220. That the provost marshal and his deputy respectively for the time being be and are hereby empowered and strictly enjoined and required diligently to receive and collect in all monies due or to be due for any fines aforesaid, either in the said Court of Common Pleas or of King's Bench and Grand Sessions, or for any recognizance forfeited or to be forfeited as aforesaid, and to discharge the party actually and *bond fide* paying the same, and *annually or oftener*, when called upon by the Treasurer or his lawful deputy, or the *Committee of Public Accounts of the Council and Assembly* of this Island from time to time to be appointed, shall account for the same on oath and immediately pay the balance into the hands of the Treasurer of this Island or his deputy for the time being, upon pain of forfeiting his security bond and being further prosecuted.

Marshal to collect monies due for fines and forfeited recognizances to account on oath for receipts and pay balance to Treasurer.
[By Nos. 206 and 221 marshal to account to Board of Audit and pay over monies monthly.]

221. That all monies and effects which after legal deductions shall be raised upon any fines or forfeitures, to be *imposed by the same courts hereby established*, or which shall *arise by forfeitures of recognizances* entered into for appearances at any former court of oyer and terminer and general gaol delivery or King's Bench and Grand Sessions of the Peace of this Island, or which shall be hereafter taken for appearance at the court hereby established, shall be applied as follows; to wit, first, to bear the incident charges of the court hereby established, and the remainder to the use of His Majesty, His heirs and successors, to be paid into the hands of the Treasurer of this Island for the time being for the support of the forts and fortifications thereof.

Application of fines and forfeitures imposed by court or arising from recognizances.

222. That all fines and forfeitures *laid by this Act* and not before particularly applied shall go to His Majesty, His heirs and successors, towards repairing the forts and fortifications of this Island.

Fines laid by Act, not particularly applied, to go towards fortifications.

223. Repealed.

224. And whereas it is impossible to provide specially for every case that may happen and to set down the form and manner of process in all actions and suits, or to determine all points of practice in the body of this Act: Be it therefore and it is hereby enacted by the authority aforesaid, That in all cases not herein or hereby sufficiently provided for it shall be in the power of the justices or judges of the said Courts of Common Pleas, Error, King's Bench and Grand Sessions of the Peace respectively, or the majority of such judges or justices of each of the said courts respectively, from time to time to make and establish general rules for guiding the practice of the same courts respectively to which they belong and to approve or direct the forms of process issuing out of the

In cases not provided for by Act, the judges of each court respectively may make rules to correspond as near as may be to the practice of the respective courts in England.
No. 145, s. 18.

same courts respectively, as near and as agreeable as may be to the practice of the Courts of Common Pleas or King's Bench or Sessions of the Peace in England respectively, and the Secretary or his deputy shall cause all such rules to be entered in proper books to be provided for that purpose.

Act to be the only
Act for regulating
courts.

225. That this shall be the only Act of this Island by which the proceedings in Courts of King's Bench and Grand Sessions of the Peace and Courts of Common Pleas and Courts of Error in this Island shall be regulated and governed.

Suits commenced
before Act not to
abate.

226. That no action or suit or indictment commenced in any court of this Island, and *now* depending, shall be any way abated or discontinued by the passing of this Act, but such actions or suits shall and may be continued, prosecuted, heard, and determined in the respective court wherein the same is now depending as effectually to all intents and purposes as if such action or suit or indictment had been commenced in such court after the publication of this Act.

Continued and made
perpetual as amended
by other Acts by
No. 107.

227. That this Act shall be and continue in force from the date thereof for the term of *three years*, and from thence to the next meeting of the Council and Assembly of this Island.

APPENDIX to No. 33.

I. *Referred to by Sect. 101.*

3 GUL. & MAR. CAP. 14.

AN ACT for the Relief of Creditors against fraudulent Devises.

Preamble.

WHEREAS it is not reasonable or just that by the practice or contrivance of any debtors their creditors should be defrauded of their just debts, and nevertheless it hath often so happened that where several persons having by bonds or other specialties bound themselves and their heirs, and have afterwards died seised in fee simple of and in manors, messuages, lands, tenements, and hereditaments, or had power or authority to dispose of or charge the same by their wills or testaments have, to the defrauding of such their creditors, by their last wills or testaments devised the same or disposed thereof in such manner as such creditors have lost their said debts; for remedying of which, and for the maintenance of just and upright dealings:

Act.

2. Be it enacted and declared by the King's and Queen's most Excellent Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That all wills and testaments, limitations, dispositions, or appointments of or concerning any manors, messuages, lands, tenements, or hereditaments, or of any rent, profit, term, or charge out of the same, whereof any person or persons at the time of his, her, or their decease shall be seised in fee simple, in possession, reversion, or remainder, or have power to dispose of the same by his, her, or their last wills and testaments, to be made after the five-and-twentieth day of March in the year of our Lord God one thousand six hundred ninety and two, shall be deemed and taken (only as against such creditor or creditors as aforesaid, his, her, and their heirs, successors, executors, administrators, and assigns, and every of them) to be fraudulent and clearly, absolutely, and utterly void, frustrate, and of none effect, any pretence, colour, feigned or presumed consideration, or any other matter or thing to the contrary notwithstanding.

Devises void against
creditors.

Creditor for debt on
bond may sue heir
and devisee of obligor
jointly.

3. And for the means that such creditors may be enabled to recover their said debts, be it further enacted by the authority aforesaid, That in the cases before mentioned every such creditor shall and may have and maintain his, her, and their action and actions of debt upon his, her, and their said bonds and specialties against the heir and heirs at law of such obligor or obligors, and such devisee and devisees, jointly by virtue of this Act, and such devisee or devisees shall be liable and chargeable for

a false plea by him or them pleaded in the same manner as any heir should have been for any false plea by him pleaded, or for not confessing the lands or tenements to him descended.

4. Provided always, and be it enacted by the authority aforesaid, That where there hath been or shall be any limitation or appointment, devise or disposition, of or concerning any manors, messuages, lands, tenements, or hereditaments, for the raising or payment of any real and just debt or debts, or any portion or portions, sum or sums of money, for any child or children of any person other than the heir-at-law, according to or in pursuance of any marriage contract or agreement in writing *bonâ fide* made before such marriage, the same and every of them shall be in full force; and the same manors, messuages, lands, tenements, and hereditaments shall and may be holden and enjoyed by every such person or persons, his, her, and their heirs, executors, administrators, and assigns, for whom the said limitation, appointment, devise, or disposition was made, and by his, her, and their trustee or trustees, his, her, and their heirs, executors, administrators, and assigns, for such estate or interest as shall be so limited or appointed, devised, or disposed, until such debt or debts, portion or portions, shall be raised, paid, and satisfied, anything in this Act contained to the contrary notwithstanding.

Devisee liable for portions pursuant to marriage contract good.

5. And whereas several persons being heirs-at-law, to avoid the payment of such just debts as in regard of the lands, tenements, and hereditaments descending to them they have by law been liable to pay, have sold, aliened, or made over such lands, tenements, and hereditaments before any process was or could be issued out against them: Be it further enacted by the authority aforesaid, That in all cases where any heir-at-law shall be liable to pay the debt of his ancestor in regard of any lands, tenements, or hereditaments descending to him, and shall sell, alien, or make over the same before any action brought or process sued out against him, that such heir-at-law shall be answerable for such debt or debts in an action or actions of debt to the value of the said land so by him sold, aliened, or made over, in which cases all creditors shall be preferred as in actions against executors and administrators, and such executions shall be taken out upon any judgment or judgments so obtained against such heir, to the value of the said land, as if the same were his own proper debt or debts, saving that the lands, tenements, and hereditaments *bonâ fide* aliened before the action brought shall not be liable to such execution.

Heir aliening before action brought, liable to value of land sold,

and creditors to be preferred as in actions against executors; save that lands *bonâ fide* aliened before action not liable.

6. Provided always, and be it further enacted by the authority aforesaid, That where any action of debt upon any specialty is brought against any heir he may plead *riens per descent* at the time of the original writ brought or the bill filed against him, anything herein contained to the contrary notwithstanding; and the plaintiff in such action may reply that he had lands, tenements, and hereditaments from his ancestor before the original writ brought or bill filed, and if upon issue joined thereupon it be found for the plaintiff the jury shall inquire of the value of the lands, tenements, or hereditaments so descended, and thereupon judgment shall be given and execution shall be awarded as aforesaid; but if judgment be given against such heir by confession of the action without confessing the assets descended, or upon demurrer, or *nihil dicit*, it shall be for the debt and damages without any writ to inquire of the lands, tenements, or hereditaments so descended.

On plea of *riens per descent* jury to inquire of value of land.

On judgment by confession to inquire for debt and damages.

7. Provided also, and be it further enacted, That all and every devisee and devisees made liable by this Act shall be liable and chargeable in the same manner as the heir-at-law by force of this Act, notwithstanding the lands, tenements, and hereditaments to him or them devised shall be aliened before the action brought: Provided always, that this Act shall be in force for three years, and to the end of the next Session of Parliament after the expiration of the said three years, and no longer. [*Made perpetual by 6 & 7 Will. 3. cap. 14.*]

Devisee chargeable as heir under Act.

II. Referred to by former Part of Sect. 102.

29 CAR. 2. CAP. 3. ss. 10, 11.

10. And be it further enacted by the authority aforesaid, That from and after the said four-and-twentieth day of June it shall and may be lawful for every sheriff or other officer to whom any writ or precept is or shall be directed at the suit of any person

Lands, &c. liable to said judgments, &c. of *cestui que trust*,

and to be delivered in execution to party suing.

To be held free from incumbrances of persons seised in trust.

No heir by reason thereof to become chargeable out of his own estate;

but see No. 33, s. 102, for modification;

see also Article I., s. 5, in this Appendix.

or persons of, for, and upon any judgment, statute, or recognizance hereafter to be made or had, to do, make, and deliver execution unto the party in that behalf suing of all such lands, tenements, rectories, tithes, rents, and hereditaments as any other person or persons be in any manner or wise seised or possessed, or hereafter shall be seised or possessed, *in trust for him against whom execution is so sued*, like as the sheriff or other officer might or ought to have done if the said party against whom execution hereafter shall be so sued had been seised of such lands, tenements, rectories, tithes, rents, or other hereditaments of such estate as they be seised of in trust for him at the time of the said execution sued; which lands, tenements, rectories, tithes, rents, and other hereditaments by force and virtue of such execution shall accordingly be held and enjoyed, freed, and discharged of all incumbrances of such person or persons as shall be so seised or possessed in trust for the person against whom such execution shall be sued; and if any *cestui que trust* hereafter shall die leaving a trust in fee simple to descend to his heir, there and in every such case such trust shall be deemed and taken and is hereby declared to be assets by descent, and the heir shall be liable to and chargeable with the obligation of his ancestors for and by reason of such assets as fully and amply as he might or ought to have been if the estate in law had descended to him in possession in like manner as the trust descended, any law, custom, or usage to the contrary in anywise notwithstanding.

11. Provided always, That no heir that shall become chargeable by reason of any estate or trust made assets in his hands by this law shall, by reason of any kind of plea or confession of the action, or suffering judgment by *nient dedire* or any other matter, be chargeable to pay the condemnation out of his own estate, but execution shall be sued of the whole estate so made assets in his hands by descent, in whose hands soever it shall come after the writ purchased, in the same manner as it is to be at and by the common law, where the heir-at-law pleading a true plea judgment is prayed against him thereupon, anything in this present Act contained to the contrary notwithstanding.

III. Referred to by latter Part of Sect. 102.

29 CAR. 2. CAP. 3. s. 12.

Estates pur auter vie to be devisable.

To be assets in hands of heir or executor.

12. And for the amendment of the law in the particulars following, be it further enacted by the authority aforesaid, That from henceforth any estate *pur auter vie* shall be devisable by a will in writing signed by the party so devising the same, or by some other person in his presence and by his express directions, attested and subscribed in the presence of the deviser by three or more witnesses; and if no such devise thereof be made the same shall be chargeable in the hands of the heir, if it shall come to him by reason of a special occupancy or assets by descent, as in case of lands in fee simple; and in case there be no special occupant thereof it shall go to the executors or administrators of the party that had the estate thereof by virtue of the grant and shall be assets in their hands.

No. 34.

AN ACT to revive and make perpetual an Act intituled "An Act for the
"more easy Recovery of Rent." [Dated 2nd November 1793.]

Preamble.

WHEREAS an Act intituled "An Act for the more easy Recovery of Rent," dated the twenty-third day of October one thousand seven hundred and eighty-nine, did expire some time since: And whereas the said Act hath been found by experience to be extremely useful and beneficial and highly necessary to be revived and made perpetual: We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Commander-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Excellent

Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said Act be revived and made perpetual, anything in the said Act contained to the contrary thereof in anywise notwithstanding.

Act.
No. 31 to be perpetual.

No. 35.

AN ACT supplementary to an Act intituled "An Act for establishing Courts
" of Common Pleas, Error, King's Bench and Grand Sessions, and for
" the better regulating and settling due Methods for the Administration
" of Justice." RENDERED PER-
PETUAL by No. 107.
[Dated 22nd April 1796.]

WHEREAS in the said Act, intituled "An Act for establishing Courts of
" Common Pleas, Error, King's Bench and Grand Sessions, and for the better
" regulating and settling due Methods for the Administration of Justice,"
there is no provision for compelling the provost marshal of this Island Antigua
or his lawful deputy to account for such sums of money as shall come to his
hands or be levied by virtue of any writ or writs of execution: We, therefore,
Your Majesty's loyal and obedient subjects the Captain-General and Governor-
in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America,
and the Council and Assembly of this Your Majesty's Island of Antigua,
do pray Your [most] Excellent Majesty that it may be enacted and ordained,
and be it and it is hereby enacted and ordained by the authority aforesaid,
That from and immediately after the time by the said Act, intituled "An Act
" for establishing Courts of Common Pleas, Error, King's Bench and Grand
" Sessions, and for the better regulating and settling due Methods for the Ad-
" ministration of Justice," directed for the payment of purchase money, or
immediately on the payment of any sum on account of or in discharge of any
execution, the plaintiff or plaintiffs in such execution shall and may apply to
any one of the justices of the Court of Common Pleas for a summons to be
directed to the provost marshal or his deputy, or any of his servants, or any
other material witness or witnesses, who shall be compelled to attend on such
summons under the same penalties and process as in and by the said Act are
directed for attendance of witnesses in court, requiring him or them to appear
before such justice at a certain day, hour, or place therein to be specified, then
and there to answer upon oath all such interrogatories as shall be exhibited to
either of them touching the receipt or payment of such purchase money, or any
other monies in discharge of or on account of any execution; and if upon such
examination upon oath it shall appear that such purchase or other monies, or
any part thereof, has or have been paid to or received by the said provost marshal
or his deputy, or any of his servants, or any person or persons by his or their
orders or directions to receive the same in discharge of or on account of such
execution, or that the said provost marshal or his deputy hath neglected to re-
ceive the same, and if he or they shall not pay such monies received or so neg-
lected to be received by him or them in four days after such examination and
order of the said justice thereon, then and in such case such justice is hereby
authorized and required to issue an execution directed to the coroner of this
Island against such marshal or his deputy, and his or their goods and chattels,
lands, tenements, and hereditaments, rentcharges, annuities, and debts for such
sum as shall appear upon such examination to have been received or neglected
to have been received as aforesaid by him or them, with twenty per centum on

No. 33.

[Remedy given to
plaintiffs by this sec-
tion extended to de-
fendants by No. 145,
s. 16.]

Act.

On expiration of time
for payment in
No. 33, ss. 129, 131,
or on payment on ac-
count or in discharge
of execution, plaintiff
may apply to justice
of Common Pleas for
summons to marshal
or witnesses (whose
attendance shall be
compelled under
No. 33, s. 46), re-
quiring him or them
to appear and answer
interrogatories on
oath.

If it appear that mar-
shal has or might
have received and if
he do not pay over
sum sued for in four
days after Justice's
order made on ex-
amination, justice to
direct execution to
coroner on marshal's
goods, lands, &c. for
sum, with 20 per
cent.

Property levied on to be sold in fourteen days in St. John's ;

previous notice in newspapers.
Money to be paid down to plaintiff or to plaintiffs in portions according to No. 32.

If goods, &c. insufficient, body of marshal to be taken in execution.

Justice's fee.

Coroner's fees.

Proceedings to be entered under original cause.
Plaintiff may take remedy against marshal's surety at his election.
Coroner to have same power to make conveyance as marshal under No. 33, ss. 127, 128.

Marshal not to pay execution creditor coming in under No. 32, unless affidavit ascertaining demand made by plaintiff or his attorney before judge of Common Pleas be lodged with marshal.

Clause an amendment to No. 33, s. 92.

Amendment to No. 33, s. 145, where debtor is awarded to pay money to plaintiff ;

the same, which goods and chattels, lands, tenements, and hereditaments, or so much thereof as shall be sufficient to pay the several sums in such last-mentioned execution specified, shall be sold within fourteen days, notice of such sale being previously given in one or more of the public newspapers of this Island, at any time of the year, in the town of Saint John, for ready gold and silver money, to be paid down at the time of such sale into the hands of such plaintiff or plaintiffs in such last-mentioned execution, or his, her, or their lawful attorney or attorneys, as far as the same will extend, for the satisfying of such plaintiff or plaintiffs, in such distributive rates or portions as he, she, or they may be entitled to receive payment of his, her, or their execution by virtue of the "Act for the more equal Distribution of Estates sold by virtue of Executions;" and for want of sufficient goods and chattels, lands, tencuments, and hereditaments, then the body of the marshal or his deputy shall be taken and held in execution until payment of all and every the sums in such execution mentioned to be levied and satisfied; and the justice who shall attend on such examination and issue of such execution shall have for his fee the sum of one pound ten shillings, and fourpence current gold or silver money, which with such other costs for counsel's attendance on such examination shall be also taxed in the costs against the marshal in such execution, and the coroner shall have and take all such fees of levy and sale as the said provost marshal is entitled to take on execution, and which proceedings shall be entered at large, under the entry of the original cause, in the Secretary's book for entering actions: Provided, nevertheless, that the plaintiff or plaintiffs in such original execution shall and may take his and their remedy against the surety of such marshal or his deputy, if he, she, or they shall so make their election, anything herein contained to the contrary notwithstanding; and the coroner upon the sale of the marshal's goods and chattels, lands, tenements, and hereditaments taken on such execution is hereby authorized to make, seal, execute, acknowledge, and suffer every lawful act and deed to the purchaser or purchasers as the marshal is in and by the said Act authorized to do on the sale of goods and chattels, lands, tenements, and hereditaments taken in execution and sold by him.

2. That it shall not be lawful for the said provost marshal or his deputy to pay any execution creditor his debt or demand out of the monies levied upon a defendant unless such execution creditor shall lodge with the said marshal or his deputy an affidavit made by such plaintiff or his or her attorney in writing before one of the judges of the Court of Common Pleas ascertaining such demand at the time such creditor shall apply to the marshal or his deputy for the payment thereof; which said affidavit or deposition shall be deemed and considered as the account and deposition mentioned in and intended to have been provided for by the ninety-second clause of the said Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice."

3. And whereas, by the one hundred and forty-fifth clause of the said Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice," there is no provision made for the payment of costs upon an attachment in case anything is awarded to be due from a debtor: Be it therefore enacted and ordained by the authority aforesaid, That in case any money shall be awarded to be paid by the debtor to the plaintiff it shall and may be lawful for the judge who awarded the same to order the costs of the attachment and proceedings thereon to be taxed by the said judge

to be paid out of the money due from such debtor, and the plaintiff shall judge may order costs be only accountable for the surplus money remaining after the payment of such to be paid out of debt. costs.

4. That it shall and may be lawful to and for any person or persons residing in any part or place of the United States of America to have and use such methods for proving any debt or account as are mentioned and provided in and by the fifty-fifth clause of the said Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due methods for the Administration of Justice," for persons residing in the kingdom of Ireland or in any of His Majesty's colonies or plantations. Resident in United States of America may prove debt by methods provided, in No. 33, s. 55, for residents in Ireland, &c.

5. That all letters of attorney, procuration, or other powers in writing made by any person or persons residing in any part of the United States of America shall and may be proved in the same manner as is mentioned and directed in and by the fifty-eighth clause of the said Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice." Powers of attorney from residents in United States of America may be proved as in No. 33, s. 58.

6. That all fines imposed by the Court of King's Bench and Grand Sessions of the Peace for this Island Antigua for the neglect and default of any coroner, juror, waywarden, constable, or other person shall and may be sued for and recovered as nearly as may be in the manner and form directed and appointed in and by the two hundred and ninth clause of the said Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice," for recovering the sums due upon forfeited recognizances. Fines imposed by King's Bench and Grand Sessions how to be recovered. Vide No. 145, s. 8. Recited section since repealed.

7. And whereas no provision is made by the one hundred and forty-fifth clause or any other clause of the said Act directing an execution to issue for any debt confessed or awarded to be due from any debtor to a defendant: Therefore it is hereby enacted by the authority aforesaid, That in case any debt so confessed or awarded due from a debtor or debtors of a defendant shall not be paid within the time such debtor or debtors shall be directed to pay the same an execution shall and may issue against such debtor or debtors, or his or their goods, chattels, lands, tenements, hereditaments, rentcharges, or annuities (but not against the debtor's debts), and against his body in default thereof, and to be proceeded upon as against defendant or defendants in other cases, with similar costs and damages. Amendment of No. 33, s. 145. Where debtor to defendant shall not pay in time directed execution to issue as in other cases. See No. 33, ss. 88, 103.

8. And whereas for amending the eighty-ninth clause of the said Act and for the more effectually preventing any executions being levied for penalties, it is hereby enacted by the authority aforesaid, That where judgment is obtained for a penalty and a writ of execution therein issued the plaintiff or plaintiffs, or his, her, and their attorney shall make an affidavit before one of the justices of the Court of Common Pleas of the sum *bond fide* due to him from the defendant or defendants to the best of the knowledge and belief of the party swearing, which sum shall be endorsed upon the said writ of execution before such writ of execution shall be delivered to the provost marshal or his deputy, or within twenty-four hours afterwards, unless the next day should be Sunday, and then within forty-eight hours afterwards; and no actual levy shall be made by the provost marshal or his deputy by virtue of the said execution until such affidavit and endorsement shall be made as aforesaid and such affidavit shall be filed in the Secretary's office of the said Island. Amendment of No. 33, s. 89. Et vide No. 214, ss. 22, 23. On obtaining execution for penalty on bond, plaintiff or plaintiff's attorney to make affidavit of sum due and endorse it on writ. No levy till endorsement made and affidavit filed in Secretary's office.

Amendment of No. 33, s. 46.

Service of subpoena at abode of witness three days preceding day of attendance to render witness liable to fine for non-attendance.

Recites section 73 (since repealed) of No. 33.

Where *general verdict* found after *special verdict* directed, motion for new trial to be granted and rule made absolute in first instance.

The thirty days notice of sale of real property directed in No. 33, s. 124, to be computed from date of first newspaper inserting it.

Explanation of No. 33, s. 193.

Justice of Common Pleas may, on application of counsel, grant Habeas corpus and remand or discharge with or without bail when courts not sitting. Vide No. 92, s. 7.

9. And whereas it may and very often does happen that writs of subpoena to compel the attendance of witnesses cannot be personally served in the manner directed by the forty-sixth clause of the said Act: Be it therefore enacted, That all writ or writs of subpoena which shall hereafter issue in any case whatever shall and may be left at the usual place of abode of any witness or witnesses two days before the day preceding the day of attendance, anything in the said Act contained to the contrary thereof notwithstanding; and any witness or witnesses neglecting to attend on due proof of the service of such subpoena in manner above mentioned shall be subject and liable to the fine imposed by the said forty-sixth clause of the said Act.

10. And whereas it is expressly enacted by the seventy-third clause of the said herein-before first recited Act amongst other things contained in the said clause that no rule or order for a new trial or for staying or arresting any judgment shall in any case be granted in the first instance or upon the first application, but only a rule or order to show cause at a subsequent court why a new trial should not be granted or judgment arrested: And whereas by the seventy-first clause of the same it is expressly declared that if either party require a special verdict and the court shall direct the jury to find specially, and the jury shall nevertheless find a general verdict, it shall be a good cause for a new trial if prayed for: Be it therefore enacted and declared, That in any case of a *general verdict* being so found when the court has actually directed a *special verdict* whenever a motion is made for a new trial or for staying or arresting judgment on the true ground of a party having applied for a *special verdict* and the court having directed one to be found accordingly, that such motion shall be considered as a motion of course, and the rule or order shall be made absolute in the first instance, anything to the contrary thereof in the said seventy-third clause in anywise notwithstanding.

11. That when any plantation, lands, or tenements are to be exposed to sale by the said provost marshal or his lawful deputy after thirty days notice given in the newspapers as directed by the one hundred and twenty-fourth clause of the said first recited Act, the time of computation of the said thirty days shall commence and proceed from the date of the first newspaper of this Island in which such notice of sale shall be first inserted, and not otherwise.

12. And whereas it is enacted by the one hundred and ninety-third clause of the said first recited Act that during the recess of the said Court of King's Bench and Grand Sessions any two justices of the said court being also justices of the Court of Common Pleas of this Island may take and admit bail in all cases as fully as the Court of King's Bench in England is empowered to do, yet as doubts may arise on the construction of the said clause respecting the extent of the power of the said justices in issuing of the writ of Habeas corpus by the common law and discharging without bail, when neither the said Court of King's Bench and Grand Sessions nor Court of Common Pleas is sitting: Be it therefore enacted and declared by the authority aforesaid, That on motion or application by counsel to any two or more justices of the said Court of Common Pleas when neither the Court of King's Bench and Grand Sessions nor Court of Common Pleas is actually sitting for the said writ of Habeas corpus, the said justices or any two of them may and are hereby fully authorized at any time out of court to issue the said writ to make the same returnable before them either out of court or in court, and to hear and determine thereon, and in all cases to remand or discharge with or without bail, as to them shall seem fit, as effectually as the said Court of King's Bench or Grand Sessions or Court of Common Pleas could or might determine, if sitting.

13. Repealed.

14. That this Act shall be and continue in force *from the date hereof until Made perpetual by the tenth day of May one thousand seven hundred and ninety-seven* and from No. 107. thence to the next meeting of the Council and Assembly of this Island.

No. 36.

AN ACT for laying a Tax on all Sugar Plantations in this Island not having one or more Cisterns thereon, and on all Houses in either of the Towns of this Island, and applying the Money arising therefrom.

EXPLAINED AND AMENDED by Act of 24th Jan. 1801. (No. 39).

[Dated 27th January 1798.]

Preamble.

WHEREAS many serious inconveniences do frequently arise to the inhabitants in general of this Island in cases of conflagrations and when dry weather has prevailed for any considerable time, by exhausting the ponds in the several parts of this Island, or by reducing the water therein to a very unwholesome state, by means whereof great mortality doth often ensue among the *slaves* of this Island, which fatal consequences might in a great measure be prevented if such steps as are in our power were taken for procuring a constant supply of good water, *as well for the use of the slaves as the white inhabitants thereof*: We, therefore, Your Majesty's loyal and obedient subjects the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Island Antigua, humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority aforesaid, That in eighteen months after the passing and publication of this Act every sugar plantation cultivated and carried on as such, *not having thereon one cistern at least for the purpose of holding drinking water*, shall pay annually into the treasury of this Island the sum of *thirty pounds* current money of this Island, and every dwelling-house in either of the towns of this Island, and occupied and rented as such for sixty pounds or more *per annum, not having a cistern thereto belonging for the holding drinking water, if the land belonging to such house will admit a cistern to be built thereon (and unless where expressly forbid by some existing tenure of such houses)*, shall pay annually into the treasury of this Island the sum of twelve pounds *per centum* each, current money of this Island, on the annual rent of such house; *and that such cistern on the plantation for every hundred negroes shall contain at least fifty hogsheads of water, and each cistern belonging to each dwelling-house shall contain not less than twenty hogsheads of water.*

Plantations and houses not provided with cisterns described to pay tax in clause. Vide No. 39.

2. That in order the more readily to ascertain what sugar plantations and houses are without cisterns the proprietors, possessors, trustees, attorneys, or any other persons having the chief care and direction of sugar plantations and houses in the town of Saint John shall take the following oath; *videlicet*,

'I *A.B.* do swear that I will give a just and true account of the number of Oath. 'cisterns belonging to or in anywise appertaining to any sugar plantation or 'plantations in this Island, cultivated and carried on as such, (or to any house in 'either of the towns of this Island, renting annually for sixty pounds or more,) 'which I am possessed of in my own right or in the right of any other person 'or persons whomsoever, without equivocation, deceit, or fraud, and will truly 'answer all such questions as shall be lawfully asked of me concerning such 'plantations and houses as aforesaid having cisterns thereto belonging.

By No. 39, s. 4, persons having only an estate for life in houses exempt.

'So help me God.'

Duty of Treasurer.

Recited Act repealed.

Estates within a mile of wholesome constant flowing springs exempt from tax.

Where different plantations under same owner adjoin, one cistern of proportionate dimensions will suffice.

Sec. s. 1, supra.
Revenue under Act to be applied to public use.

3. That in order that this Act may be carried into execution with as little trouble to all parties concerned as possible the treasurer of this Island in his annual application to the magistrates of the several divisions in this Island, under the authority of the Act commonly called the "White Servant Act," shall include the accounts hereby directed to be taken with the same directions respecting the returns of the said accounts as are given touching the return of the accounts taken under the "White Servant Act."

4. That such estates as are so fortunate as to lay within the distance of one mile (by a public road and without trespass) from such constant running water-springs and wells as contain constant, wholesome, and drinkable water shall be exempt from the said tax, anything to the contrary notwithstanding.

5. That where different plantations belonging to the same owner or proprietor are joining each other, and a cistern or cisterns is or shall be built upon any of the said plantations, *at or after the proportion of fifty hogsheads of water for every hundred slaves* as aforesaid, that such cistern or cisterns shall be deemed a sufficient compliance with this Act.

6. That the money arising from the operation of this Act shall be applied by the treasurer to assist and defray the charges and expenses which may arise to the public in general.

No. 37.

AN ACT to extend the Provisions of an Act, made in general Council and Assembly of the Leeward Caribbee Islands, and passed in the Reign of Queen Anne, intituled "An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster, by declaring the same Powers and Authorities in all of the Justices of Her Majesty's Courts of King's Bench and of the Barons of the Exchequer in England or Ireland for receiving the Acknowledgment of any Deed or Deeds executed before them as are by the said recited Act vested in the Justices of the said Courts of Common Pleas in the said Two Kingdoms."

[Dated 4th September 1799.]

Preamble.

WHEREAS notwithstanding great conveniency and other advantages have very often resulted to the proprietors of lands, tenements, and other hereditaments situated in this Island by means of the Act for supplying the want of fines and recoveries, yet such conveniency and advantages have been sometimes found not so easy, direct, and ample to persons become parties to deeds necessary to be executed and acknowledged before some justice of the Court of Common Pleas pursuant to the said Act, when such parties happened to reside either in England or Ireland, in parts distant from the metropolis of each kingdom, and by means of which have been compelled to travel at some considerable share of expense and labour to attend one of the justices of the Court of Common Pleas, who generally reside in the metropolis of each respective kingdom to which their respective courts are affixed: And whereas such expense and labour might be often diminished hereafter, and the general intent of the said Act would be rendered more effectual, if all the judges of His Majesty's three principal courts

of common law in each kingdom were vested with the *full and equal power* for taking the acknowledgment of deeds in lieu of levying fines and of suffering common recoveries, as is exclusively given to the judges of the Common Pleas in the said kingdoms, by reason that two judges in each kingdom will twice in a year at least by travelling the circuits be placed in situations, at known periods, at some near and more convenient distance to the habitations of all such parties who might happen to dwell at a great distance from the metropolis as aforesaid: We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Commander-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, most humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That immediately from and after the passing and publication of this Act any deed or deeds made and entered into by husband and wife or by tenant in tail general or special, or by any other party or parties by whom any interest is intended to pass by force and operation of the Act, intituled "An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds executed and acknowledged before any of Her Majesty's Justices of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster," dated at Nevis the twenty-first day of June one thousand seven hundred and five, in the fourth year of the reign of Her Majesty Queen Anne, such deed or deeds may be executed and acknowledged before any one of the judges or justices of His Majesty's Court of King's Bench or before any one of the judges or barons of His Majesty's Court of Exchequer either in the kingdom of England or Ireland; and that every examination or examinations, acknowledgment or acknowledgments of the party or parties, subscribed by such judge, justice, or baron before whom he, she, or they did appear shall be to all intents and purposes whatsoever as valid and effectual in law to pass all and every estate, right, title, and interest and claim of the party or parties and of each of them to such deed or deeds as if the same was or were executed and acknowledged before any of the justices of the Court of Common Pleas in either of the said kingdoms, as directed by the herein recited Act, anything to the contrary thereof in anywise notwithstanding.

Act.
Deeds intended to pass estate under Act of the Leeward Islands, No. 32, acknowledged before Justice of King's Bench or Baron of Exchequer in England or Ireland, to be as valid and examination of the parties as effectual as if the transaction were before Justice of Common Pleas in England or Ireland.

No. 38.

AN ACT to ascertain the Number of Acres of Land in this Island and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom, and for making a public Record thereof, and for laying a small Tax thereon, and applying the same.

MADE PERPETUAL by Act No. 44. Amended by No. 168.

[Dated at Saint Christopher's 19th December; published at Antigua 28th December 1799.]

WHEREAS an Act of this Island, intituled "An Act to ascertain the Number of Acres of Land in this Island and the Islands adjacent and thereto belonging, and the Quantities of Sugar and Rum annually produced therefrom, and for making a public Record thereof, and for laying a small Tax thereon, and applying the same," dated at Saint Christopher's the ninth day of November in the year of our Lord one thousand seven hundred and ninety-six and of His Majesty's reign the thirty-seventh, did expire on the first meeting of the Council and Assembly of this Island after the ninth day of November in the present

Preamble.

Recites expired Act.

year one thousand seven hundred and ninety-nine: And whereas it is highly expedient that the regulations prescribed and the information obtained by virtue of the said Act, which were thereby carried down to the first day of December in the year one thousand seven hundred and ninety-eight, should be continued and preserved unbroken, and that the number of acres of land in this Island and the Islands adjacent and thereto belonging, and the quantities of sugar, rum, and molasses annually produced therefrom should be ascertained and a public record thereof be made as well for the advantage which the public in general may derive therefrom as for the satisfaction and benefit which may thereby eventually accrue to absent proprietors, minors, and other persons holding plantations therein, and that for defraying the incidental charges which may arise in obtaining the knowledge of the said particulars a small tax should be imposed on such lands, sugar, rum, and molasses: We, therefore, Your Majesty's dutiful and loyal subjects the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the number of acres of land in this Island and the Islands adjacent and thereto belonging in possession on the first day of January in the present year one thousand seven hundred and ninety-nine, and the quantities of sugar, rum, and molasses produced therefrom from the first day of December which was in the year one thousand seven hundred and ninety-eight inclusive to the thirty-first day of December which will be in the present year one thousand seven hundred and ninety-nine, inclusive, and that the number of acres of land in possession on the first day of January in each year subsequent thereto, and the quantities of sugar and rum and molasses produced therefrom between the said first day of January and the thirty-first day of December, both days included, in each such year during the continuation of this Act shall be ascertained and a public record thereof made in manner and form herein-after directed; and that the taxes hereby imposed upon such lands, sugar, and rum and molasses shall be annually raised, levied, and collected and paid; that is to say, upon each acre of land one farthing current money, upon each hundredweight of sugar one penny like money, and for every hundred gallons of rum and molasses threepence like money.

Act.
Number of acres in Antigua and dependencies in possession 1st January 1799, and quantity of produce from 1st December 1798 to 31st December 1799, and between 1st January and 31st December in each successive year during Act, to be ascertained and recorded.

Annual tax on land and produce.

Ten days before 25th January during Act Treasurer to dispatch letter to justice for every division containing notice of Act and blank warrant described.

2. And for carrying this Act into execution be it enacted and ordained by the authority aforesaid, *That ten days before the twenty-fifth day of January next ensuing the date of this Act* and ten days before the twenty-fifth day of January in each year subsequent thereto during the continuation thereof, the Treasurer or his lawful deputy for the time being shall apply himself by letter or otherwise to one justice of the peace in each division of this Island, and for want of a justice in any such division or divisions then to a justice of the peace in a neighbouring division (which last justice shall act as herein-after directed), and shall inform the said justices of the purport of this Act and of the duty thereby required of them, and the said Treasurer or his deputy shall at the time of making such application as aforesaid furnish each such justice with a warrant ready drawn with *blanks* for date, place, and hour of appearance, requiring all persons in such divisions respectively who are owners or possessors of any lands or sugar plantations in this Island or the Islands adjacent and thereto belonging, cultivated and carried on as such, to appear before such justices respectively *on the said twenty-fifth day of January next ensuing the date of this Act*, and in like manner on the twenty-fifth day of January in each year subsequent thereto during the continuation thereof, at such places, in such divisions, and at such hour as the said justices shall respectively appoint, then and there to give an account upon oath of the sugar, rum, and molasses which were by him, her, or them shipped, sold,

paid away, or otherwise disposed of *from the first day of December* which was in the year one thousand seven hundred and ninety-eight, *inclusive, to the thirty-first day of December which will be in the present year one thousand seven hundred and ninety-nine, inclusive*, and of the number of acres of land that were owned by or in the possession of such person or persons on the said first day of January which was in the present year one thousand seven hundred and ninety-nine, and in like manner to appear on the twenty-fifth day of January in each year subsequent thereto, then and there to give an account upon oath of the number of acres of land that were owned by or in the possession of such person or persons on the first day of January in the year immediately preceeding *that* in which the said account shall be sworn to, and of the quantities of sugar, rum, and molasses which shall have been shipped, sold, paid away, or otherwise disposed of between the said first day of January and the thirty-first day of December in each such preceeding year, both days included; and any such justice being unable to attend from sickness or otherwise as aforesaid is to give notice to any other justice in the said division or in any neighbouring division of such inability and shall furnish such justice with the blank warrant and other papers received from the Treasurer or his lawful deputy as aforesaid; and upon such notice and receipt of such papers the justice to whom the same shall be given or sent shall attend at the proper time and place and take the accounts hereby directed, and shall in all other respects act and be considered as one of the justices to whom the application aforesaid shall be made by the Treasurer or his lawful deputy.

Justice unable to attend to furnish neighbouring justice with his warrant and papers.

Latter justice to attend and take the accounts as if originally applied to by Treasurer.

3. That when the Treasurer or his deputy furnishes the several justices with the blank warrants hereby directed he shall at the same time furnish each of them with a blank form for taking the accounts by this Act directed to be taken, which form shall be divided into several columns specifying the several particulars hereby required to be given by the persons summoned as aforesaid: Provided always, that if the twenty-fifth day of January in any year ensuing the present year one thousand seven hundred and ninety-nine and during the continuation of this Act shall happen to fall on a Sunday the accounts hereby directed to be taken in each year touching the number of acres of land and the quantities of sugar, rum, and molasses shall be taken and sworn to on the twenty-sixth day of January in each such year, anything in this Act to the contrary thereof in anywise notwithstanding.

Treasurer furnishing justices with warrants to send also form for taking the accounts.

When 25th January falls on Sunday, accounts to be taken on 26th.

Section 4. Had its effect.

5. That to every person summoned to appear on the twenty-fifth or twenty-sixth day of January which will be in the year one thousand eight hundred and one, and on the twenty-fifth or twenty-sixth day of January (as the case may be) in each year subsequent thereto to give such accounts as are herein directed, and possessing any such lands as aforesaid, the following oath shall be administered; that is to say,

‘ You do swear that you will without fraud or deceit give a just and true account to the best of your knowledge of the number of acres of land in this Island or the Islands adjacent and thereto belonging which you were possessed of in your own right or in the right of any other person or persons on the first day of January which was in the year now last past, and of all sugar, rum, and molasses that were shipped, sold, paid away, or otherwise disposed of from such lands between the said first day of January in the year now last past and the thirty-first day of December in the said year, both days included, and that you will truly answer all such questions as by me shall be asked of you concerning such lands, sugar, rum, and molasses, for the taxes of which you are liable by an Act of this Island, intituled “ An Act to ascertain the Number of

Oath of person summoned on 25th or 26th January in subsequent year.

“ Acres of Land in this Island and the Islands adjacent and thereto belonging,
 “ and the Quantities of Sugar, Rum, and Molasses annually produced there-
 “ from, and for making a public Record thereof, and for laying a small Tax
 “ thereon, and for applying the same.”

Account to specify
 name of division.

Acres cultivated as
 sugar plantation to be
 separated in account.

Distinct form of ac-
 count for country land.

Sugar, rum, and mo-
 lasses made in different
 years to be separated
 in account.

Justice applied to to
 take accounts to make
 return in five days
 into Treasurer's office.

Justices to be sworn
 as to their own lands
 before Treasurer at
 time of making
 returns.

Affirmation of Quaker
 to be taken.

Wilful and false
 swearing or affirming
 punishable as perjury
 by English laws.

Justice to signify in
 returns to Treasurer
 all defaults of
 appearance.

Treasurer to summon
 defaulters to account
 on oath, at time by
 him appointed, not
 exceeding ten days
 from return.

6. That in the accounts hereby directed to be given of the number of acres of land in this Island and the Islands adjacent and thereto belonging, the name and names of the division or divisions in which the same are situated shall be particularly specified; and the number of acres of land comprised in each sugar plantation cultivated and carried on as such and thereto annexed and considered as part thereof shall be distinctly and separately given in from the number of acres not cultivated or carried on for the purpose of producing sugar, rum, and other molasses; and the number of acres of land commonly called *country land* and the names of the real grantees thereof or of their present heirs holding the same shall in like manner be given in separately and distinctly from all other lands whatever.

7. That in the accounts hereby directed to be given in of the quantities of sugar, rum, and molasses annually produced and made from the lands in this Island and the Islands adjacent and thereto belonging, whenever it shall so happen that any part of the sugar, rum, and molasses to be given in as aforesaid shall have been made in different years, although not shipped, sold, paid away, or otherwise disposed of in the year in which the same was made, such sugar and rum shall be separately and distinctly given in, so that the produce of the different years may be completely ascertained and kept apart from each other.

8. That each of the said justices so applied to by the Treasurer or his deputy as by this Act is directed is hereby required to take the said accounts on the days herein-before appointed and to make a return thereof into the Treasurer's office of this Island in the particular form furnished by the said Treasurer or his deputy within five days after taking the same, under the pain of forfeiting the sum of fifty pounds current money, to be levied, recovered, and applied as herein-after mentioned; and the said justices who shall by virtue of this Act take such accounts shall be sworn to their own lands, sugar, rum, and molasses before the Treasurer or his deputy at the time such justices shall make such returns or within five days after, and the Treasurer or his deputy are hereby required to swear such justices, and each such justice shall at the same time return the warrant by him issued with a list thereon in writing of the names of all those summoned, subscribed and sworn to by the constable before the said justice and certified by him.

9. That in all cases wherein by this Act an oath is required to be made and taken the solemn affirmation of any person being a Quaker shall and may be taken in lieu thereof, and every person required by this Act to make an oath or affirmation who shall be convicted of wilful and false swearing or of wilful and false affirming shall incur and suffer such and the same pains, penalties, and forfeitures as are inflicted and imposed by any law or statute of that part of Great Britain called England upon persons convicted of wilful and corrupt perjury.

10. That if any person or persons shall neglect or refuse to appear on the days herein-before mentioned and at the places and times to be appointed by the said justices respectively, the said justices and each of them in whose division such neglect or refusal shall happen are and is to signify the same in their or his returns or return to the Treasurer or his deputy, who is hereby required and directed to issue out warrants to the constables of the respective divisions wherein the defaulter or defaulters shall reside requiring him, her, or them to appear before him or his deputy at a certain day and place to be by him

appointed for that purpose not exceeding ten days after receiving all the returns of such defaulters from the said justices to give an account upon oath of their lands, sugar, rum, and molasses in manner and form as aforesaid; at which time and place if the said defaulter or defaulters shall neglect to appear and oath be made before the Treasurer or his deputy by the constable that the said defaulters and each of them were duly summoned at least forty-eight hours before the time appointed for his, her, or their appearance before the Treasurer, either in person or by leaving notice in writing at his, her, or their last place of abode, the Treasurer or his lawful deputy shall apply to any two of His Majesty's justices of the peace for this Island, and such justices upon proof of such notice as aforesaid shall issue their warrant to bring before them the person or persons so neglecting or refusing to appear and swear as aforesaid; and if such person or persons shall then refuse to give an account upon oath before the Treasurer or his said deputy of their lands, sugar, rum, and molasses as herein-before mentioned, the said justices shall commit him, her, or them to the common goal of this Island, there to remain without bail or mainprize until he, she, or they shall submit to be examined and account upon oath as aforesaid, and such defaulter or defaulters shall also pay all such costs and charges as shall have been incurred by such apprehending and commitment.

Treasurer, on defaulter's not appearing to his summons (on constable making oath of its service forty-eight hours previously), to apply to justices.

Justices to issue warrant.

Defaulter not appearing to justice's warrant to be committed.

Defaulter to pay all costs.

11. That the constables shall summon the inhabitants in their respective divisions at least forty-eight hours before the time prescribed for their attendance; and for each person so summoned and sworn to as aforesaid the said constables shall receive the sum of sixpence out of the public treasury of this Island, which the Treasurer or his lawful deputy is hereby required to pay; and the said warrants with the lists thereon subscribed and sworn to as herein-before directed, with the respective constables receipts thereto, shall to the said Treasurer or his deputy in passing his public accounts be sufficient vouchers for the sums therein specified.

Constables to summon inhabitants forty-eight hours previously.

Constable's fee.

To be paid from Treasury.

12. And whereas many persons may neglect to attend the justices on the days and at the places appointed to give an account of their lands, sugar, rum, and molasses as aforesaid, and may choose rather to swear to the same before the Treasurer or his deputy, whereby great and unnecessary trouble will be brought upon him and interruption given to the business of his office: To prevent therefore such practice, be it hereby enacted and ordained by the authority aforesaid, That every person who shall swear before the Treasurer or his deputy to his lands, sugar, rum, and molasses as required by this Act shall pay the sum of four shillings and sixpence current money of this Island, and the said Treasurer or his deputy is hereby authorized and empowered to demand and receive the same: Provided always, that all persons who shall be defaulters and not attend the justices as hereby required, and who upon being summoned to appear before the Treasurer or his deputy shall prove to the satisfaction of the Treasurer or his deputy that such non-attendance was owing to sickness, such person or persons shall be and hereby is and are exempted from paying the said sum of four shillings and sixpence.

Persons electing to swear before Treasurer instead of justices to pay fee of 4s. 6d.

Persons proving that sickness occasioned their non-attendance before justices exempt from fee.

13. That no oath shall be admitted to be taken concerning the lands, sugar, rum, and molasses to be sworn to as directed by this Act but by the person or persons who are the owners, occupiers, or possessors of the lands and for whose benefit and advantage the sugar and rum and molasses to be sworn to shall have been made, unless such owners, occupiers, or possessors be infants or sick or unable to travel, or not upon the Island or the Islands adjacent and thereto belonging, and such infancy, sickness, inability, or absence be first proved on oath before such justice or justices or the Treasurer or his lawful deputy, in which case the executor, attorney, manager, or any other competent person

Oath to be made by owner, occupier, or possessor of land, being the person having benefit of produce, unless under age, sick, disabled, or absent, in which case executor, attorney, or manager may make the oath, &c

having the care and direction of the lands of such infant, sick, disabled, or absent person, and having had also the disposal of the sugar, rum, and molasses made for his, her, or their benefit and advantage, shall be admitted to give the accounts aforesaid upon oath; but such accounts shall be taken and inserted in the name and names of the proper owner and owners specifying in the returns thereof the names of the party or parties who swore thereto.

Taxes under Act on lands in possession and produce in each subsequent year to be paid on 25th May ensuing day on which they are sworn to.

14. That the taxes hereby imposed upon lands in possession on the first day of January in each year subsequent to the present year one thousand seven hundred and ninety-nine, and upon the sugar, rum, and molasses shipped, sold, paid away, or otherwise disposed of from such lands between the said first day of January and the thirty-first day of December in each year subsequent to the present year one thousand seven hundred and ninety-nine shall be paid into the Treasurer's office in gold or silver current money on the twenty-fifth day of May in each year next ensuing the day on which the same shall be sworn to as aforesaid.

For recovery of tax, see No. 168.

Sections 15 to 18 repealed.

Taxes under Act to be charge upon goods, &c. lands, &c. into whose hands soever passing;

to be charge upon personal estates of persons dying.

Executors, &c. to pay taxes under Act prior to debt to subject, on pain of accounting out of their own estates.

19. That the several taxes to be raised by virtue of this Act shall remain as a charge upon the goods, chattels, lands, tenements, hereditaments, rents, and annuities in this Island and the Islands adjacent and thereto belonging of the person or persons liable to pay the same, against all other persons whatsoever into whose hands soever they shall come, from the days such taxes shall first become due until the same are fully paid and satisfied; and when any person or persons liable to pay the same shall hereafter happen to die before the same are fully paid and satisfied as aforesaid the personal estates of such persons are hereby made chargeable therewith, and his, her, or their executors or administrators are to pay the same prior to any debt or debts whatsoever due or to be due to any subject, whether by judgment, execution, or otherwise, on pain of paying the amount thereof out of their own estates, which in such case shall be and hereby are made liable to be levied on and sold in the manner hereby directed on persons neglecting or refusing to pay their taxes as aforesaid, the debt being hereby declared to have preference to all others, and the payment thereof shall be sufficient in law to discharge the said executors or administrators for that amount against all other demands; and for want of such personal estates of the said deceased the lands and tenements, hereditaments, rents, and annuities belonging to him, her, or them shall be levied and sold in the same manner as if levied on and sold for taxes due from other persons.

For want of personal, real property of deceased to be levied on and sold.

Revenue under Act to be applied first to charges of collecting, remainder to public charges.

Commander-in-Chief of Leeward Islands, and in his absence acting Governor, with counsel, &c. may remit taxes under Act. Persons petitioning for such remittances not to pay fees.

20. That the several sums of money raised by virtue of this Act shall be applied to the payment of the incidental charges which may arise in collecting the same, and the remainder, if any, to pay other public charges and debts.

21. That it shall be in the power of the Governor or Commander-in-Chief of the Leeward Islands for the time being, and in his absence the Lieutenant-Governor of this Island, and in his absence the President of His Majesty's Council for the said Island, with the consent of the Council and Assembly of the same, to remit to any person or persons whom they shall think proper all or any of the taxes laid by virtue of this Act, and persons petitioning for such remittances shall not pay any fees either to the deputy secretary of the Council or to the clerk of the Assembly for passing their petitions.

Treasurer after circular application to justices as in s. 2, to advertise in newspapers particulars prescribed by Act.

22. That immediately after applying to the justices in each year as herein-before directed the Treasurer and his deputy shall and is hereby required to cause advertisements to be inserted in all the public newspapers of this Island, at the public expense, setting forth the day on which the lands, sugar, rum, and

molasses are to be sworn to as directed by this Act, and the taxes to be raised, collected, and paid thereon by virtue thereof and the time when the same are to become due and payable, and the penalties in case of nonpayment thereof at the times hereby particularly directed.

23. Repealed.

24. That immediately after the several returns of lands, sugar, rum, and molasses by this Act directed to be taken by the justices in the several divisions, and by the Treasurer or his deputy, shall be received and completed in the office of the latter the same shall be particularly and exactly copied in alphabetical order into a proper and sufficient book and books to be by the said Treasurer or his deputy from time to time found and provided, in which shall be specified the names of the justices who took the said returns, and the names of the divisions in which the same were respectively taken, and the names of the persons swearing to the said lands, sugar, and rum, either belonging to themselves or to other persons, and the particular number of acres of land by each person respectively sworn to as being comprised in each sugar plantation cultivated and carried on as such and thereto annexed and considered as part thereof, and the particular number of acres of land not cultivated and carried on for the purpose of producing sugar and rum, and the particular number of acres of land commonly called country land, and of the quantities of sugar, rum, and molasses, in pounds and gallons, by each person in like manner sworn to, which copies in the said book and books so soon as the same shall be made and examined shall be each year subscribed by the said Treasurer or his deputy as true copies of the original returns of lands, sugar, rum, and molasses for that year; and if the said Treasurer or his deputy shall neglect or refuse to make such copies in manner and form aforesaid he shall forfeit the sum of five hundred pounds current gold and silver money, to be recovered with full costs of suit by action of debt or information in any court of record in this Island, in which no protection, essoign, or wager of law shall be allowed, one moiety whereof shall go and be paid unto the person who shall sue for the same, and the other moiety shall be paid into the treasury of this Island and applied towards defraying the public debts and charges thereof.

Treasurer on returns being received and completed to enter them in alphabetical order in book or books set apart.

In such books the particulars in clause to be specified.

Copies entered in books to be annually attested by Treasurer.

Treasurer not entering such copies to forfeit 500*l.*, recoverable by action or information, half to prosecutor, half to public treasury.

25. That the said book and books shall constantly remain in the Treasurer's office of this Island and shall not be removed or taken therefrom unless by the order of some court of law or equity in this Island for the purpose of inspecting the same, under the penalty of one hundred pounds current gold and silver money, to be recovered in the manner herein-before directed.

Said book and books not to be removed from Treasurer's office unless by order of court, under penalty of 100*l.*

26. That it shall and may be lawful to and for any person or persons in the usual office hours to examine all or either of the said books and to demand and receive copies or extracts therefrom, to be certified by the Treasurer or his lawful deputy and delivered as soon as conveniently may be, upon payment by the person or persons so searching or requiring such copies or extracts of such fees as are charged by the register of deeds of this Island for the like business in his office.

Persons generally may examine said books in Treasurer's office and have copies or extracts on paying similarly to the fees in register's office.

27. That all penalties and fines imposed by this Act and not herein-before directed how to be levied and recovered shall be recovered in the name of His Majesty, His heirs and successors, or in the name of the Treasurer of the Island of Antigua for the time being, in any court of record in the said Island by information or action of debt, with full costs of suit, and to be determined by the court where the same shall be first commenced, without being liable to be removed from thence by Certiorari or otherwise except by a

Fines under Act of which the specific recovery has not been directed to be recovered as in clause.

Application of fines.
Treasurer to prosecute.

writ of error, to the use of His Majesty's heirs and successors, to be paid into the hands of the said Treasurer for the time being and to be applied towards the defraying the public debts and charges; and the said Treasurer for the time being is hereby required, at the public expense, to prosecute without further orders all and every person or persons incurring any such fine or penalty.

Act a Public Act.

28. That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken notice of as such by all judges, justices, and jurors and other persons whomsoever, without specially pleading or showing forth the same.

Made perpetual by
No. 44.

29. That this Act shall be and continue in force from the date thereof for the space of seven years, and from thence to the next meeting of the Council and Assembly of the said Island of Antigua.

No. 39.

AN ACT to explain and amend an Act, intituled "An Act for laying a Tax on
" all Sugar Plantations in this Island not having one or more Cisterns thereon,
" thereon, and on all Houses in either of the Towns of this Island, and
" applying the Money arising therefrom." [Dated 24th January 1801.]

Preamble.

Recites No. 36.

WHEREAS by an Act of this Island, intituled "An Act for laying a Tax on
" all Sugar Plantations in this Island not having one or more Cisterns thereon,
" and on all Houses in either of the Towns of this Island, and applying
" the Money arising therefrom," dated at Saint Christopher's the twenty-seventh day of January one thousand seven hundred and ninety-eight, and of His Majesty's reign the thirty-eighth, it is with other things enacted, That in eighteen months after the passing and publication of the said Act every sugar plantation, cultivated and carried on as such, not having thereon one cistern at least for the purpose of holding drinking water shall pay annually into the Treasury of this Island the sum of thirty pounds current money of this Island, and every dwelling house in either of the towns of this Island and occupied as such renting for sixty pounds or more per annum not having a cistern thereto belonging for the holding drinking water, if the land belonging to such house will admit the building of a cistern thereon and unless expressly forbid by some existing tenure of such house, shall pay annually into the Treasury of this Island the sum of twelve pounds *per centum* each current money of this Island on the annual rent of such house; and that such cistern on the plantation for every hundred negroes shall contain at least fifty hogsheads of water, and each cistern belonging to each dwelling house shall contain at least twenty hogsheads of water: And whereas doubts have arisen touching the word "hogsheads" used in the said recited Act as to the quantity of water thereby meant and intended to be contained in one hogshead, and also touching the size of the cistern *where the slaves shall exceed one, two, or any number of hundred slaves*, by reason of which the operations of the said recited Act have been retarded and the good effects expected to arise therefrom have been delayed: In order therefore to obviate the said doubts and to prevent all disputes in future concerning the same, we, Your Majesty's loyal and obedient subjects the Commander-in-Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Excellent

Act.
By "hogsheads" in
No. 36 is to be

Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of the same, That in all and every place and places where the word "hogsheds" is used in the said recited Act the same shall be taken, construed, and considered as meaning "one hundred gallons wine measure," and also that *whatever may be the number of slaves on any plantation or plantations the cistern or cisterns directed to be built in and by the said Act shall contain at and after the rate of fifty gallons of water for each slave, anything in the said Act contained to the contrary thereof in anywise notwithstanding.*

understood "100 gallons wine measure,"
Capacity of cisterns.

2. And whereas it is highly necessary and proper that an alteration should be made in the penalty imposed by the said Act, it being neither fair nor just that the same penalty should be paid by the owner of a plantation *the size of whose cistern is not adequate to the number of his slaves* as is exacted from the owner of a plantation not having any cistern at all, which is the ease as the law now stands: Be it therefore enacted and ordained by the authority aforesaid, That whenever it appears by the returns taken in pursuance of the said Act that there is a cistern or cisterns built on any plantation whose contents are not equal to the proportion before mentioned of *fifty gallons for each and every slave* on such plantation, then and in such case the owner or owners thereof instead of paying the said penalty of thirty pounds shall stand chargeable with and pay into the public treasury of this Island the sum of twelve shillings current money for every fifty gallons the said cistern may prove deficient in measurement of the quantity required in and by the said Act, anything therein contained to the contrary thereof in anywise notwithstanding.

Penalty.

3. And whereas it doth appear that the wholesome regulations of the said Act may be evaded and the good effects thereof entirely frustrated, inasmuch as there is no provision made for compelling persons to keep their cisterns in good repair so as to be capable of holding water, neither is there any obligation on the said persons to insure the means of conducting water into their cisterns when built either by paved platforms or by spouts from adjacent buildings: Be it enacted and ordained by the authority aforesaid, That in taking the annual returns in pursuance of the said Act the persons sworn shall be particularly questioned as to the state and condition of their cisterns and also the mode adopted for conveying water to them, and if it shall in any instance appear to the magistrate taking the said return that the cistern or cisterns are not in good repair, fit, and capable of holding water, or that proper means have not been adopted to convey water into it or them, then and in such case the owner of the said plantation or dwelling-house having such defective cistern or having a cistern without the means of conveying water to it either by a paved platform or by spouts from adjacent buildings shall be subject to the same penalty as if he had no cistern at all, anything in the said Act contained to the contrary thereof in anywise notwithstanding.

In taking annual returns under No. 36 persons sworn to be questioned as to state of their cisterns and mode of supplying them with water. For cistern defective or without means of conveying water to it same penalty as for total want of cistern.

4. That nothing in the said Act contained shall extend or be construed to extend to any person or persons having an *estate for life* in any house or tenement in any of the towns of this Island, anything in the said Act contained to the contrary thereof in anywise notwithstanding.

No. 36 not to affect tenant for life of house in any town.

No. 40.

AMENDED by No. 45. AN ACT to repeal certain Clauses in an Act passed the Ninth Day of June one thousand seven hundred and forty-eight, intituled "An Act for completing, executing, confirming, and establishing certain Contracts of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua for erecting a public Court House, and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contract, and for repaying certain Monies lent upon the public Faith towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expenses of the said Building and other the aforesaid Purposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John." [Dated 21st April 1801.]

Preamble.

WHEREAS it hath been thought expedient by concurring resolutions of the Council and Assembly of this Island to remove the records of the Secretary's office of this Island from the upper room in the return of the east end of the court house where they are now deposited and to lodge the same hereafter in one of the apartments of the south-west wing of the guard house and arsenal of this Island, and to appropriate the said upper room in the said south-east end of the court house as a chamber for the reception of the Governor or Commander-in-Chief whenever he may think fit to retire from the council chamber at the meetings of the Legislature of this Island; but whereas it is found that this intended measure cannot be carried into execution without acting repugnantly to certain provisions and directions now contained in some clauses of the herein-above recited "Act for erecting a public Court House:" In order therefore to obviate the same and to carry into legal effect the purposes and intentions contained in the said resolutions, we, Your Majesty's most dutiful and loyal subjects the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, most humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the date and publication of this Act the fifteenth and sixteenth clauses or sections of the Act, intituled "An Act for completing, executing, confirming, and establishing certain Contracts of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua for erecting a public Court House, and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contract, and for repaying certain Monies lent upon the public Faith towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expenses of the said Building, and other the aforesaid Purposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John," whereby the keeping of records of the said Secretary's office in the said upper room in the returns of the said east end of the court house is expressly directed and ordained, shall be and is hereby declared to be and shall stand totally repealed to all intents and purposes: Provided always, and it is the true intent and meaning of this Act, that all and every other matter and thing that may be contained in the said fifteenth and sixteenth clauses, or in any other part of the said Act, not in any manner relating to the said upper room in the said east end of the court house as aforesaid, shall be and continue to remain in full force, effect, and virtue.

Act.

So much of ss. 15, 16, of Act No. 23 as relates to keeping the records of the Secretary's office in the upper room in the returns at the east end of court house repealed.

2. That from and after the passing and publication of this Act the aforesaid apartment in the said south-west wing of the guard house and arsenal shall be the proper room for depositing and keeping of the said records, in the same manner as the said upper room in the east end of the court house hath been heretofore used and declared to be a proper depository thereof, and shall be under the direction of the Secretary of this Island for the time being or his lawful deputy.

Apartment in south-west wing of guard house and arsenal to be the depository for Secretary's records.

No. 41.

AN ACT to make perpetual an Act, intituled "An Act for the more equal Distribution of Estates sold by virtue of Executions."

[Dated 22nd May 1802.]

WHEREAS an Act, intituled "An Act for the more equal Distribution of Estates sold by virtue of Executions," dated at Antigua the fourth day of November in the year of our Lord one thousand seven hundred and eighty-six, and confirmed by Your most Excellent Majesty in Council upon the twenty-first day of October in the year of our Lord one thousand seven hundred and eighty-nine, will expire at the first meeting of the Council and Assembly of this Island Antigua after the seventeenth day of June in this present year one thousand eight hundred and two: And whereas the said Act hath been found by long experience to have been very beneficial to the inhabitants of this Island and to the trade and commerce thereof: Therefore, we, Your Majesty's loyal and obedient subjects the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said Act, intituled "An Act for the more equal Distribution of Estates sold by virtue of Executions," shall be aud remain and is hereby declared to be and remain perpetual.

Preamble,
No. 32.

Act
No. 32 to be perpetual.

No. 42.

AN ACT to enable John Jacob Walter and his Heirs to hold certain Lands, Tenements, and Hereditaments in the said Island of Antigua.

[Dated 8th July 1807.]

WHEREAS John Jacob Walter of the said Island of Antigua, merchant, is a Protestant and native of Wertemberg, and hath been resident in the said Island for the space of sixteen years, and did on the thirtieth day of August one thousand eight hundred and five take the oaths appointed in lieu of the oaths of allegiance and supremacy, and hath subscribed the test and received the Holy Sacrament as by an Act of Parliament directed, and due record hath been made thereof in the Secretary's office of this Island, whereby the said John Jacob Walter is entitled to all the privileges of His Majesty's Protestant subjects as if he had been born in the said Island: And whereas the said John Jacob Walter previous to the said thirtieth day of August one thousand eight hundred and five did purchase divers lands, tenements, and hereditaments in the said Island of Antigua, which by reason of his then disability he can neither hold, enjoy, nor give title unto: And whereas it is expedient that the settlement of indus-

Private.

Preamble.

trious foreign Protestants in these colonies should be promoted and encouraged by securing to them the fruits of industry: We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said John Jacob Walter, his heirs and assigns, shall or may have, hold, use, occupy, possess, and enjoy, alien, convey, dispose of, or devise all such houses, lands, tenements, and hereditaments as were by him purchased and to him actually conveyed at any time or times previous to the thirtieth day of August one thousand eight hundred and five, in as full and ample manner as if he the said John Jacob Walter had been at the times of execution of the said deeds, conveyances, and assurances a natural-born Protestant subject: And be it further enacted by the authority aforesaid, That all deeds, conveyances, or assurances whatsoever made or executed by the said John Jacob Walter for or in respect of the said lands, tenements, hereditaments, or any of them, or any part or parts thereof, to any person or persons whomsoever shall be as good, valid, and effectual in the law for the purpose of conveying and assuring the said lands, tenements, and hereditaments, or such part or parts thereof as shall in the said deeds, conveyances, and assurances respectively be mentioned or expressed to be thereby conveyed and assured to, for, and upon the several uses, trusts, intents, and purposes as in the said deed or deeds shall have been respectively mentioned as if the said John Jacob Walter had been at the time or times of the execution thereof a natural-born Protestant subject of His Majesty.

Act.
Said John Jacob Walter, his heirs and assigns, empowered to hold, convey, and devise hereditaments purchased prior to 30th August 1805.

Deeds executed by said John Jacob Walter in respect thereof valid.

Act not to give said John Jacob Walter or persons deriving title from him a better title than he or they would have had if he had been a natural-born Protestant subject when said deeds were executed.

Provided always, That nothing in this Act contained shall be construed to give the said John Jacob Walter, his heirs and assigns, or any other person or persons deriving title from or through him, any further, other, or better title to the said lands, tenements, hereditaments, or any of them, than he or they could or would have had or been entitled unto if he the said John Jacob Walter had been at the time of the execution of the said deeds, conveyances, and assurances a natural-born Protestant subject of His Majesty.

No. 43.

AN ACT for the easier obtaining Partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common.

[Dated at St. Christopher, 7th July 1810.]

Preamble.

WHEREAS the proceedings upon writs of partition between coparceners by the common law or custom, joint tenants, and tenants in common are found by experience to be tedious, chargeable, and oftentimes ineffectual by reason of the difficulty of discovering the persons and estates of the tenants of the plantations, lands, tenements, and hereditaments to be divided, and the defective or dilatory executing and receiving of the process of summons, attachment, and distress and other impediments in making and establishing partitions, by reason of which divers persons having undivided parts or purparts are greatly oppressed and prejudiced, the premises are frequently wasted or destroyed or lie uncultivated, so that the profits thereof are in a great measure lost: For remedy whereof, we, Your Majesty's most loyal, dutiful, and obedient subjects the Commander-

in-Chief for the time being in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the publication hereof all and every action and actions of partition shall be commenced by writ issuing out of the Court of Common Pleas of the said Island, in the same manner and form as writs of summons are directed to be issued in and by an Act of the said Island of Antigua, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions, and for the better regulating and settling due Methods for the Administration of Justice," and the said writ shall be served on the defendant or defendants in such manner and form as writs of summons are directed to be served in and by the said mentioned Act.

Act.
Action of partition to be commenced by writ out of the Common Pleas in same form as writ of summons is issued under No. 33, s. 9.
Service as of writ of summons, *ibid.*, s. 10.

2. The plaintiff or demandant who sues out any writ of summons as aforesaid shall in the forenoon next before the day appointed for the appearance of the defendant or defendants cause a declaration upon such writ of summons to be filed in the Secretary's office of this Island, and a true copy thereof to be delivered to such defendant or defendants, if he, she, or they shall apply for the same; and in default thereof all proceedings thereafter had thereon be held as null and void, and the said defendant or defendants shall recover the sum of three pounds and six shillings for costs, to be recovered by a writ of execution as in other cases where costs are given or recovered.

Plaintiff to file declaration.

Default.

3. After such writ of summons shall have been duly served upon the defendant or defendants and a declaration and copy duly filed in the Secretary's office of the said Island in manner herein-before mentioned, if the defendant or defendants shall make default and do not cause an appearance to be entered to the said action, then in default of such appearance the court may proceed to examine the plaintiff's or demandant's title and quantity of his part or purpart, and accordingly as they shall find his right, part, and purpart to be they shall for so much give judgment by default and award a writ to make partition, directed to the provost marshal of the said Island or his lawful deputy, which writ being executed after eight days notice given to the occupier, tenant, or tenants of the premises and returned, and thereupon final judgment entered upon the same, shall be good and exclude all persons whatsoever after notice as aforesaid, whatever right or title they have or may at any time claim to have in any plantations, lands, messuages, tenements, and hereditaments mentioned in the said judgment and writ of partition, although all persons concerned are not named in any of the proceedings, nor the title of tenants truly set forth.

Subsequent proceedings.

4. Provided always, That if such tenants or persons concerned, or either of them, against whom or their right or title such judgment by default is given, shall within the space of one year after the first judgment entered (or in case of infancy, coverture, *non sanæ memoriæ*, or absence out of the Island within one year after his, her, or their return, or the determination of such inability) apply themselves to the court by motion where such judgment is entered, and show a good and probable matter in bar of such partition, or that the plaintiff or demandant hath not title to so much as he hath recovered, then in such case the court may suspend or set aside such judgment and admit the tenant and tenants to appear and plead, and the cause shall proceed according to due course of law as if no such judgment had been given; and if the court upon hearing thereof shall adjudge for the first plaintiff or demandant, then the said first judgment shall

In certain cases of default or disability judgment may be suspended or set aside.

Costs.

If tenants appealing in time show inequality of partition, court may order new partition.

stand confirmed and be good against all persons whatsoever, *except* such other persons as shall be absent or disabled as aforesaid, and the person or persons so appealing shall be awarded thereupon to pay costs: Or if within such time or times aforesaid the tenants or persons concerned admitting the plaintiff or demandant's title, parts and purparts, shall show to the court an inequality in the partition the court may award a new partition to be made in presence of all parties concerned (if they will appear), notwithstanding the return and filing upon record of the former, which said second partition returned and filed shall be good and firm for ever against all persons whatsoever except as before excepted.

No plea in abatement admissible, nor suit abated by death of tenant.

5. No plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any tenant.

No. 44.

AN ACT to revive and make perpetual an Act of this Island, intituled "An Act to ascertain the Number of Acres of Land in this Island and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom, and for making a public Record thereof, and for laying a small Tax thereon, and applying the same," dated the Nineteenth Day of December in the Year of our Lord One thousand seven hundred and ninety-nine, and of His Majesty's Reign the Fortieth.

[Dated at Tortola, 13th May; Published at Antigua, 24th May 1811.]

Preamble.

WHEREAS an Act of this Island, intituled "An Act to ascertain the Number of Acres of Land in this Island and the Islands adjacent and thereto belonging, and the Quantities of Sugar, Rum, and Molasses annually produced therefrom, and for making a public Record thereof, and for laying a small Tax thereon, and applying the same," dated the nineteenth day of December in the year of our Lord one thousand seven hundred and ninety-nine, and of His Majesty's reign the fortieth, did expire on the first meeting of the Council and Assembly of this Island after the nineteenth day of December in the year of our Lord one thousand eight hundred and six: And whereas the said Act hath been found by experience to be of such great use and so indispensably necessary as to make it highly expedient that the regulations prescribed and the information obtained by virtue thereof should be continued and preserved unbroken, and that the said Act should not only be revived but that it should be made perpetual and the duration thereof unlimited: We, therefore, Your Majesty's dutiful and loyal subjects the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the said first-mentioned Act be revived and deemed and taken to be in full force and virtue from the expiration thereof to the present time, and from henceforward to remain perpetual until the same shall be repealed by proper authority.

No. 38.**Act.**

Act No. 38 revived and deemed in force from expiration till now, and henceforth to remain perpetual.

No. 45.

AN ACT to alter and amend an Act, intituled "An Act to repeal certain Clauses in an Act passed the Ninth Day of June One thousand seven hundred and forty-eight, intituled 'An Act for completing, executing, confirming, and establishing certain Contracts of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua for erecting a Public Court House and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contract; and for repaying certain Monies lent upon the public Faith towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expenses of the said Building, and other the aforesaid Purposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John.'"

[Dated at Tortola, 13th May; Published at Antigua, 24th May 1811.]

WHEREAS by an Act, intituled "An Act to repeal certain Clauses in an Act passed the Ninth Day of June One thousand seven hundred and forty-eight, intituled 'An Act for completing, executing, confirming, and establishing certain Contracts of a Committee of the Council and Assembly and the Treasurer of this Island of Antigua for erecting a public Court House and appropriating the same Court House when built to certain public Uses, and for indemnifying the said Committee and Treasurer upon account of entering into the same Contract, and for repaying certain Monies lent upon the public Faith towards carrying on the said Court House, and for borrowing Monies to complete the same, and for raising a Fund for defraying the Expenses of the said Building, and other the aforesaid Purposes, and for appointing and ascertaining a Place to be the lawful Market Place for the said Town of Saint John,'" made and passed in this Your Majesty's Island of Antigua, dated the twenty-first day of April in the year of our Lord one thousand eight hundred and one, it was enacted and ordained that from and after the publication of the said Act an apartment in the south-west wing of the guard house and arsenal should be the proper room for depositing and keeping the records of the Secretary's office of the said Island, and should be under the direction of the Secretary of this Island for the time being or his lawful deputy: And whereas the said apartment hath been found to be very inconvenient for the aforesaid purposes, and another apartment in the said guard house and arsenal forming the east front of the upper story thereof will be better adapted to the purpose of keeping the said records: We, therefore, Your Majesty's most dutiful and loyal subjects the Captain-General and Governor-in-Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, most humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the date of the publication of this Act the aforesaid apartment forming the east front of the upper story of the said guard house and arsenal shall be the proper room for depositing and keeping the said records, in the same manner as the said apartment in the south-west wing of the said guard house and arsenal hath been heretofore used and declared to be a proper depositary thereof, and shall be under the direction of the Secretary of this Island for the time being or his lawful deputy.

Preamble.

No. 23.

Act.

Apartment forming east front of upper story of guard house, depositary of records under Secretary.

No. 46.

AMENDED by Acts
Nos. 50 and 74.

AN ACT to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries.

[Dated 29th February 1812.]

Preamble.

WHEREAS it appears extremely dangerous and highly prejudicial to the welfare of society that persons ignorant of the profession should presume to practise physic in any of its branches, and to administer medicines, which owing to their unskillfulness may prove fatal to the patient: We, Your Majesty's most dutiful and loyal subjects the Governor-in-Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Sacred Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That no person whatsoever at any time shall be permitted to practise physic or vend medicines in any capacity or under any title or denomination in this Island Antigua, unless he shall have obtained a licence from the Governor, or in his absence the President of this Island, to follow such profession and practice; and be it and it is hereby enacted and ordained by the authority aforesaid, that no licence shall be granted by the Governor or in his absence the President of this Island to any person whatsoever at any time to practise physic who shall not produce a certificate from the Surgeons Hall in London, or from one of the universities of Oxford, Cambridge, Edinburgh, Glasgow, or Dublin, of his having been admitted and allowed of that society or company, or shall not produce a certificate of his having undergone an examination in this Island, and of approval by those appointed to hold such examination; and be it and it is hereby enacted and ordained by the authority aforesaid, that on application made by the party desirous to obtain a licence to the Governor, or in his absence the President of this Island, he shall fix some specific day for an examination (to be holden at the court house in the town of Saint John at twelve o'clock in the forenoon), and shall direct the three senior practitioners of physic, or in case of their inability to attend other three practitioners of physic in this Island, to hold such examination and to determine whether such candidates as may offer themselves be duly qualified to follow the profession and practice of physic.

2. Each person appointed to hold such examination and to decide on the merits of the candidates shall take the following oath:—

Oath of examining
practitioner.

‘I *A.B.* do solemnly swear that to the best of my knowledge and skill in the practice and profession of physic I will do impartial justice in the examination about to take place, and that I will not be governed in any decision on the merits of the case by favour, fear, hatred, or prejudice.

‘So help me God.’

which oath shall be administered to each examiner in the presence of the candidates previous to the commencement of the examination by the Secretary of this Island or his lawful deputy for the time being, which oath the said Secretary or his deputy is hereby required to administer, and should they be unanimous in favour of the candidate they shall furnish such candidate with the following certificate in writing signed by all three examiners:—

Secretary to administer oath.

‘We do hereby certify and declare that to the best of our skill and knowledge in the profession and practice of physic *A.B.* is duly qualified to enter upon and follow such profession and practice.

‘Signed *A.B., C.D., E.F.* (at full length).’

Certificate of qualification.

Act.
No person to practise
physic without licence
from Governor or
President;

and no such licence
to be granted unless
candidate produce
certificate as in
clause.

On application, Go-
vernor or President
to fix day for exami-
nation of candidate
as in clause.

3. On any person producing such certificate duly signed by the three practitioners of physic who shall have been appointed to hold such examination as aforesaid to the Governor, or in his absence the President of this Island, such person shall be furnished by the same with the following licence:—

‘ In consequence of the annexed certificate, and in virtue of the authority in me vested by an Act of this Island in such case made and provided, I do permit and authorize *A.B.* to follow the profession and practice of physic in all its branches, and to vend medicines in this Island Antigua. Form of licence.

(Signed) *A. B.* Governor (or President, as the case may be).’

which licence shall be sealed to the certificate so produced.

4. Every person after obtaining such licence shall repair to the Secretary's office in this Island, and shall have both certificate of approval and licence to practice physic inserted in a book to be kept by the Secretary for such purpose.

Certificate and licence to be entered in Secretary's office.

5. If any person shall presume to practise physic or vend medicines in violation of or contrary to the true intent and meaning of this Act, he shall upon conviction thereof upon any indictment or information for the said offence preferred against him at the Court of King's Bench and Grand Sessions of the peace for the said Island Antigua be fined in the sum of two hundred pounds current gold or silver money of the said Island, and in default of payment thereof shall be committed to the common gaol of this Island, there to remain until such fine with all gaol fees shall be paid; and upon the trial of such indictment or information the licence to practise, if any has been obtained, shall be produced in evidence by the defendant, or in default thereof he shall be found and adjudged guilty of having practised physic or surgery contrary to the intent and meaning of this Act: Saving and always excepted from the penalty of this Act all such persons as shall administer physic to their servants, or shall for charity's sake do it to any poor indigent person; provided always, it be not for the sake of lucre and gain: Saving and likewise excepted from the penalty of this Act any surgeon coming to this Island Antigua in any ship who in case of necessity shall upon the earnest request and persuasion of any sick or wounded person administer physic as aforesaid during the time of such ship being here and no longer; provided also, such surgeon of such ship so practising shall not do it for the sake of lucre and gain.

Penalty for practising without licence recoverable by indictment or information. No. 75, s. 19.

Conviction if licence not produced.

Saving from penalty persons administering physic to servants, or for charity, and not for gain.

Saving also ship's surgeon administering physic on request, during stay of ship, and not for gain.

6. No action or suit shall be commenced or maintained by any person or persons not duly authorized to practise physic as aforesaid for any medicines found or provided, or surgical operation of any kind, or any medical attendance, or any other charge whatever relating to the practice of physic or surgery.

No action for medicines or attendance maintainable by unlicensed practitioner.

7. From and after the expiration of twelve calendar months no person or persons shall be allowed to retail medicines, excepting those commonly called patent or quack medicines, but such as shall have obtained licence from the Governor, or in his absence the President of this Island, under a penalty of fifty pounds, to be recovered in like manner as from persons practising physic or surgery without licence; and such licence shall only be obtained by a certificate from three medical men certifying that the person or persons applying is or are qualified to vend drugs or medicines.

No person to retail other than patent medicines without licence from Governor under penalty.

Certificate from three medical men to pre-cede licence.

8. Repealed.

No. 47

AN ACT to enable the present or future Vestry of the Parish of Saint John to sell and convey a certain Proportion or Lot of Land situate at the Point in the Town of Saint John, and hitherto occupied as an Hospital.

[Dated 15th August 1817.]

WHEREAS a certain lot or parcel of land situate at the Point in the town of Saint John in the said Island, belonging to the parish of Saint John, with the buildings thereon erected formerly occupied and used as an hospital for the said parish has been found very unsuitable for that purpose :

And whereas it is expedient that the vestry of the said parish should be empowered to sell and dispose of the said lot or parcel of land and tenements to raise a fund for other parochial purposes :

We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Governor-in-Chief of Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the persons now constituting the vestry in and for the said parish or who shall or may at any time hereafter constitute the same, or the churchwardens of the said parish, shall and may with all convenient speed sell, convey, and dispose of the said lot or parcel of land and tenements heretofore occupied for the purpose of an hospital as aforesaid ; that is to say, all that lot or parcel of land and tenements situate and being in that part of the said town of Saint John called the Point, butted and bounded to the east with lands of Robert Cummings, to the west by the burying ground, to the north by Dickenson's Bay Street, and to the south by Saint George's Street, or however otherwise butted and bounded, to any persons whomsoever for as much money as to the said vestry and churchwardens shall appear to be the value of the same.

2. That the money arising from the sale of the said lot or parcel of land and tenements shall be appropriated and applied to such parochial purposes as to the said vestry shall seem fit.

No. 48.

AN ACT for granting and securing to the Church of the United Brethren certain Lands situated in the Division of Nonsuch, and also for granting to said Church certain pecuniary Assistance in aid of the Funds of said Church.

[Dated 15th August 1817.]

WHEREAS by long experience the inhabitants of this Island have found the beneficial effects of the religious principles instilled into the minds of the negro population by the Church of the United Brethren :

And whereas it is extremely desirable that every encouragement should be afforded and every pecuniary assistance granted (consistent with the means of the colony) to increase and extend the religious influence of the said church among the negroes :

We, Your Majesty's most dutiful and loyal subjects the Captain General of Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island Antigua, pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That immediately after the passing and

Vestry may sell
land, &c.

Money arising from
sale to be appro-
priated by vestry.

Treasurer to pay
1,000*l.* to the senior
missionary for build-
ing the chapel.

publication of this Act it shall and may be lawful for the Treasurer of this Island to pay out of the public treasury the sum of one thousand pounds current gold and silver money unto Christian Frederick Richter, the senior resident missionary of the United Brethren, or his successor in seniority in the mission, to enable them to erect a proper and convenient chapel and other buildings upon the land in the division of Nonsuch in said Island, commonly called or known by the name of Pigott's Land.

2. That from and after the publication of this Act the President of the Board of Council and the Speaker of the House of Assembly are hereby authorized by and with the consent of Richard Pigott, of said Island, planter, the present holder of said land, to convey in trust or otherwise unto John Lewis Wollin, of the city of London, merchant, agent of the missions of the United Brethren, or to his future successor or successors in said office, for the sole use of the Church of the United Brethren, all that piece or parcel of land commonly called Pigott's Land, being country land, and containing by estimation ten acres, be the same more or less, and butted and bounded as follows; that is to say, to the east by lands belonging to the estate called Elmes's, to the north by lands of said estate, to the west by lands called country land heretofore granted to one Thomas Ellyat, and to the south by lands heretofore granted to one Nicholas Symes, or however otherwise butted and bounded, lying or being, so that the said Church of the United Brethren may have peaceable and unmolested possession of the said land to be by them built upon and occupied for the purposes of residence and religious worship.

President and
Speaker to convey
land with consent, &c.

3. That so soon as the said church of the United Brethren shall have erected upon the said land called Pigott's Land in the said division of Nonsuch in said Island a proper chapel and other buildings, and a missionary of said church be resident upon said land, it shall and may be lawful for the present or any future Treasurer, and he is hereby directed to pay out of the treasury of the said Island unto the missionary so residing the yearly sum of three hundred pounds current gold and silver money in aid of the funds of said church, so long as there is a resident missionary upon said land and no longer.

After erection of
chapel Treasurer to
pay annual sum in
aid of the funds.

No. 26.

4. And whereas the said Richard Pigott has not held and occupied the aforesaid parcel of country land agreeably to the law in such case made and provided, but the public of this Island are nevertheless willing to allow him a certain sum in consideration of his relinquishment of all supposed right and title to said land: Be it and it is hereby enacted and ordained, That the Treasurer be and he is hereby authorized to pay unto the said Richard Pigott a sum not exceeding two hundred pounds current gold and silver money, upon his joining in the conveyance of said land as herein-before expressed.

Compensation to
Richard Pigott.

No. 49.

AN ACT for the Preservation of the Harbour of Parham, to prevent Abuses in the inland Navigation thereof, and for reviving the Appointment of an Harbour-master for the said Port, and to explain and regulate the Duty of the said Harbour-master.

[Dated 2nd February; Published 3rd February 1821.]

WHEREAS by an Act, intituled "An Act for further Prevention of" damages to the Harbours and for appointing Harbour-masters," dated the 23rd May 1766, and by another Act intituled "An Act to amend" an Act, intituled "An Act for the further Prevention of Damages" "to the Harbours, and for appointing Harbour-masters," dated 14th

Recited Act since
expired.

May 1767, there appears to have existed the appointment of an harbour-master for the port of Parham : And whereas on the expiration of those Acts an Act bearing date the 18th of October 1784, and intituled "An Act for the "Prevention of Damages to the Harbour of Saint John in this Island, and for "appointing an Harbour-master thereto," was passed, whereby the appointment of harbour-master was limited to the port of Saint John on the ground that the harbour of Parham had of late years been deserted so as to render the office of harbour-master at that port sinecure : Now whereas the trade of the said port of Parham has within these few years past much revived and may probably become more extensive : And whereas since the renewal of the trade, in consequence of there being no officer properly authorized to superintend the said port, very great and alarming abuses have prevailed, more especially from the improper and careless conduct of the captains trading to the said port in discharging ballast within the said port, to the great and manifest detriment thereof : And whereas such abuses if not speedily checked must inevitably tend to the entire ruin of the said harbour, and consequently to the serious injury of the inhabitants of this Island interested in the encouragement of the trade to the said port :

Captains of vessels
throwing any sand,
ballast, &c. into Par-
ham Harbour to
forfeit 100*l*.
No. 96.

We, therefore, Your Majesty's most dutiful, loyal, and obedient subjects the Governor-in-Chief of Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the publication of this Act, if any master or commander of any ship or vessel shall throw out of his or their vessel or vessels any sand or shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind, or shall cause any of the said articles to be thrown into any part of the harbour or waters of Parham, including the channels of ingress, the roadstead thereof, and all the waters to the westward of Guana Island, he, she, or they so offending shall be subject to and pay a fine of one hundred pounds current gold and silver money, upon conviction thereof before two or more of His Majesty's justices of the peace for said Island, any Act to the contrary notwithstanding.

Masters of vessels
wishing to deposit any
sand, ballast, &c. to
land the same on a
spit of sand to the
south of Old Fort
Point.

2. From and after the publication of this Act all masters or commanders of any ship or vessel within the said harbour or waters as aforesaid who shall have occasion to deposit any sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind, shall land the same on the east side of a spit of sand running in the direction a little west of south from that part of Crabb's estate called the Old Fort Point as close to its junction with the main land as possible, unless he prefers the landing thereof at any other beach for the convenience and accommodation of any person or persons resident in the Island, in which case he shall also land the same at least twenty feet from high-water mark, or unless he shall land the same at any regular built public or private wharf ; and if any person or persons not master or masters, commander or commanders of any ship or vessel shall carry either of the heretofore recited articles from one part of the said harbour to any other part of the said harbour, and in so doing shall infringe the foregoing regulations hereby enjoined to the masters and commanders of vessels, he, she, or they shall like them be subject to and pay a fine of one hundred pounds current gold and silver money, to be recovered upon conviction before any two or more of His Majesty's justices for said Island.

Owner of wharf not
removing sand, bal-
last, &c. 12 feet from
high-water mark

3. Any sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind that shall be landed from any vessel or vessels upon any regular built wharf or wharves, public or private, shall not be permitted to remain

longer than ten days at the head of such wharf or wharves, and if the same shall not be removed within the space of the said ten days from the head of such wharf or wharves at least twelve feet from high-water mark, the owner or possessor of such wharf or wharves shall be subject to and incur a fine of ten pounds current gold and silver money, and the like fine or penalty for every ten days he, she, or they shall suffer the same to remain unmoved according to the true intent and meaning of this Act, and such fine or fines shall be recovered upon conviction thereof before any one or more of His Majesty's justices of peace of said Island.

within 10 days to incur a fine of 10*l.*, and a further fine of 10*l.* for every 10 days afterwards.

4. If after any sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind shall have been landed on the said east side of the aforementioned spit of sand the whole or any part of the said herein-recited articles shall be stolen or taken away, or if any part of the said spit, or any stones or earth appertaining to or constituting a part of said spit, or any land adjoining the sea within the said harbour of Parham, shall be stolen or taken away by any person or persons whatsoever, he, she, or they so offending by taking away any part or parcel thereof shall be subject to and incur a fine or penalty of twenty pounds current gold and silver money, to be recovered upon conviction thereof before any two or more of His Majesty's justices of said Island, which said fine or penalty shall be paid to the Treasurer for public uses.

If any sand, ballast, &c. landed as in clause 2 be stolen, offender to pay on conviction a fine of 20*l.*

5. No dead bodies nor carcases of any kind, or any other matter or thing whatsoever that is likely to become a nuisance, shall be permitted to be thrown into the said harbour or waters, and any persons throwing dead bodies or any other matter or thing that is likely to become a nuisance, or that shall cause any dead bodies or anything likely to become a nuisance to be thrown into the said harbour or waters, and shall suffer it to remain there three hours without having the same removed without the harbour or waters as far as on a line with the northern extremity of Long Island, shall be subject to and incur a penalty or fine of five pounds current gold and silver money, and for every hour such carcase, matter, or thing that may create a nuisance shall remain after the expiration of three hours he, she, or they shall pay at and after the rate of nine shillings *per* hour over and above the original fine for every hour such offensive carcase, matter, or thing shall remain within the said harbour or waters, and such fine or fines shall be recovered upon conviction before any one of Her Majesty's justices for said Island.

Persons throwing dead bodies, &c. into harbour, and suffering them to remain three hours, to incur a fine of 5*l.*, and 9*s.* *per* hour afterwards.

6. From and after the publication of this Act, if any vessel or vessels shall sink within the said port, harbour, or waters, the harbour-master shall make a minute of the time he first discovered such sunken vessel or vessels, and he shall immediately give information to the owner or owners of such sunken vessel or vessels in writing, with a copy of the clause of the Act requiring him or them to remove the same within the space of forty days, exclusive of the day of the date of such written notice, and if after the expiration of the said forty days the vessel or vessels so sunken shall not be weighed and the nuisance removed, then and in such case the said harbour-master is hereby enjoined and required within three days after the expiration of the said term of forty days to exhibit a complaint or information upon oath thereof in writing to any one of Her Majesty's justices of the peace for said Island, who shall issue his warrant and cause the said offender or offenders to come before him and enter into a recognizance, with two sufficient securities, himself in the sum of two hundred pounds current gold and silver money, and each security in the sum of one hundred pounds current gold and silver money, conditioned for the appearance of such offender or offenders at the first Court of King's Bench and Grand Session of the Peace to be holden for this Island, then and there to answer for the said offence, and the said

Harbour-master shall give notice to owners of sunken vessels requiring them to remove the same, and in default shall proceed against the offenders in manner directed by clause.

justice shall forthwith return such recognizance into the office of the Secretary of this Island or his lawful deputy, who shall take care to cause an indictment or information for the said offence to be prepared at the next Court of King's Bench and Grand Session of the Peace to be held for said Island, and also issue such writ or writs of subpoena for compelling the appearance of any witness or witnesses at the said Court of King's Bench and Grand Session of the Peace for proving the said indictment or information as the said harbour-master may require; and if the defendant or defendants to such indictment or information shall be convicted of the offence thereby charged, he, she, or they shall be fined in any sum not exceeding four hundred nor less than one hundred pounds current gold and silver money, at the discretion of the said court, and in default of payment of the said fine shall be immediately committed to the common gaol of this Island, there to remain without bail or mainprize for the space of not more than six nor less than three calendar months, or until the said fine and the fees accruing in consequence thereof shall be paid and discharged.

Offender on conviction to be fined, and in default of payment to be committed to gaol for not less than three or more than six months.

Appointment and removal of harbour-master.

Oath to be taken on his appointment.

7. From and after the publication of this Act it may be lawful to and for the Governor-in-Chief, the Lieutenant-Governor, or the President of the Island being Commander-in-Chief at the time, to name and appoint any respectable inhabitant duly qualified to fill the station of harbour-master, and from time to time to remove such person so to be appointed harbour-master and to appoint another duly qualified in his stead, and the person who shall be appointed harbour-master shall not be deemed qualified to execute the office until he has been duly sworn before the Governor-in-Chief, Lieutenant-Governor, or President and Council, in the following words:

'I A.B. do solemnly swear on the holy evangelists of Almighty God that I will truly serve our Sovereign Lord the King and the inhabitants of this Island and all His Majesty's subjects trading to the port or harbour of Parham, so far as respects my office of harbour-master of the said port, and so long as I shall continue to hold the office, to the best of my skill and knowledge, and that I will from time to time examine the said harbour and take cognizance of all wrecks, vessels, dead bodies, or other substance likely to create a nuisance, and of all ballast or rubbish of any kind that may be thrown into or sunk in the said harbour, and make report thereof to some one or other of His Majesty's Justices of this Island within forty-eight hours after discovery thereof, without fear or affection, malice, ill-will, or resentment to any, and that I will justly and faithfully execute, perform, and carry into effect the several duties imposed upon me in my capacity of harbour-master by the respective Acts of the Legislature of this Island in as far forth as lays in my power.'

If harbour-master in performance of his office shall injure any person he shall be liable to an action for damages, with double costs.

Harbour-master to be paid a salary per annum by the Treasurer in compensation for boats and men.

8. In case the said harbour-master shall at any time do or perform anything in his said office to the prejudice of any person or persons whatsoever he shall for such offence pay damages and double costs on due proof made, to be recovered in any court of record in this Island by bill, plaint, action, or information, wherein no escaign, protection, or wager of law, or more than one imparlance, shall be allowed, and all such recoveries shall be and enure to the use of the person or persons damnified, and not otherwise.

9. The said harbour-master shall be paid the sum of one hundred pounds currency a year, and so in proportion for less than a year, as for his salary, out of the public treasury of this Island, and the Treasurer or his lawful deputy is hereby authorized and directed to pay such salary by even half-yearly payments, and this annuity or yearly salary is hereby declared to be in full compensation for boats, and men to row them, on the services required by this Act.

10. From and immediately after the passing of this Act it shall and may be lawful for the harbour-master of the said port for the time being and he is hereby authorized and empowered to require and exact from the masters of all vessels trading to the said port of Parham, immediately upon their coming to anchor within the said harbour, (save and except all free port vessels, and droghers of this Island actually engaged in the business of droghing,) the following rates according to the respective tonnage by register of such vessels; and which said rates shall be to the said harbour-master in full compensation for his own personal services, over and above the sum already declared to be in compensation for boats and men to row the same; viz.,

Harbour-master empowered to demand certain fees from all vessels (except free port vessels and island droghers) trading to the port of Parham.

For vessels of thirty tons and under sixty, the sum of nine shillings;
 of sixty and under one hundred tons, thirteen shillings and sixpence;
 of one hundred and under one hundred and fifty tons, eighteen shillings;
 of one hundred and fifty and under two hundred tons, one pound two shillings and sixpence;
 of two hundred and under two hundred and fifty tons, one pound and seven shillings;
 of two hundred and fifty tons and upwards, one pound and sixteen shillings.

No. 96.

11. Upon refusal of payment by any master or commander of any vessel, and upon complaint made upon oath by the said harbour-master to a magistrate of such refusal, and declaratory of his having boarded the said vessel and exhibited to the said master or commander a printed copy of the authority under which he is empowered to demand such remuneration, as also of his having furnished him with a printed copy of the regulations of the said port of Parham, conformably to this Act, it shall and may be lawful for such magistrate to summon before him the party so refusing, and upon his still persisting in such refusal to commit him to the common gaol, there to remain without bail or mainprise until such fee be paid, with all costs and charges attendant thereon.

If master of any vessel refuse to pay harbour-master's fees, magistrate, on complaint of harbour-master, is empowered to commit the refusing party to gaol till such fees be paid.

12. The harbour-master for the time being is on no account to exact or receive more from any master or commander of any vessel than he is by this Act empowered to demand, and if he shall in this respect infringe, directly or indirectly, or otherwise misbehave in his office, upon proof given on oath of such infringement before a magistrate, it shall not only work a forfeiture of his appointment, but he shall be for ever after rendered incapable of serving in the said capacity; and the magistrate before whom such proof on oath is adduced is hereby required to transmit the same immediately to his Excellency the Captain-General or the Commander-in-Chief for the time being, in order that the situation may be again filled with the least possible delay.

Harbour-master taking from master of any vessel more than allowed by this Act, or otherwise misbehaving himself, on proof before any magistrate to lose his situation, and be incapable of serving again.

13. Such harbour-master legally appointed under this Act shall have and he is hereby invested with full power and authority to inspect and take cognizance of any abuse committed in violation of the Act, and he is hereby required to visit all ships and vessels having sand, shingle, ballast, stones, bricks, coals, tiles, or loose earth of any kind, and inspect and oversee the landing thereof, and he shall order and direct the same to be landed agreeably to this Act, and he shall also visit all and every vessel trading to and from the port of Parham; and the said harbour-master shall after the vessel or vessels have been at anchor twenty-four hours order and direct that no booms be kept rigged out at length that may impede the navigation of the said harbour, and he shall take cognizance of and prevent the mooring of any boats, rafts, stages, or spars under the sterns of vessels lying in the harbour, except at the time when such boats, rafts, or stages are employed in the unloading, repairing, or other necessary services of

Harbour-master to take cognizance of any breach of this Act, to superintend the landing of any sand, ballast, &c., to visit every vessel trading to the port of Parham, to direct that no booms be kept rigged out to impede the navigation, to prevent the mooring of any boats, rafts, &c. under the sterns of vessels, except for the purposes of unloading, &c.

Master of vessel refusing to comply with this clause, to forfeit on conviction before justice 10*l*.

In case of vessels properly moored being injured by other vessels, parties sustaining damage may apply to two justices of the peace for redress where damage does not exceed 10*l*. No. 96.

All fines, &c. imposed by this Act to be levied as in clause.

All monies arising from fines to go one half to the informer and the other half to the Treasury.

Party aggrieved may appeal to sessions.

Party appealing on frivolous grounds to be fined not exceeding double the original fine with double costs and treble damages.

Justice refusing to take cognizance of any breach of this Act to forfeit 100*l*.

the ship or vessel to which they are moored; and if the master or commander of any ship or vessel shall in anywise refuse or neglect to comply with the provisions of this clause, after being thereto required by the said harbour-master, such master or commander so refusing or neglecting shall forfeit and pay ten pounds current gold and silver money, to be recovered upon conviction before any one of His Majesty's justices of said Island.

14. And whereas it frequently happens that vessels in turning up the harbour, through carelessness or mismanagement, run on board vessels properly moored, by which damage ensues: And whereas it is often if not always attended with inconvenience to transient persons, and subjects them to a difficulty almost amounting to a bar against redress, especially where the damage done is not very great, to await the common course of law for indemnification: Now be it and it is hereby further enacted and ordained by the authority aforesaid, That from and after the passing of this Act it shall and may be lawful for the party so injured to apply to two of His Majesty's justices of the peace for the said Island, who are hereby authorized and required on such application to take cognizance of the same and to settle and award any damage proved to have been sustained under such circumstances, provided the same shall not exceed the sum of ten pounds; and upon refusal of the party to pay the sum so awarded by the said justices it shall and may be lawful for the said justices to commit the parties so refusing to pay to the common gaol, there to abide without bail or mainprise until the same, together with all charges and expenses attending such commitment, shall be fully discharged.

15. All fines, fees, or monies imposed and levied by virtue of this Act, and not particularly specified how to be levied and recovered, shall be levied and recovered if under ten pounds by warrant from under the hand and seal of any one of His Majesty's justices of the peace directed to any constable for distress and sale of the offender's goods, and for want of goods whereon to levy the offender or offenders may be committed to the common gaol, there to remain for the space of thirty days or until the said fine or fines shall be paid, together with all costs attending the commitment and discharge; and all fines and sums awarded to be paid above ten pounds shall be levied by warrant under the hands and seals of two or more justices of the peace, directed to the provost marshal or his lawful deputy for distress and sale of the offender's goods, and for want of such goods to be committed to the common gaol, there to remain for the space of forty days, or until the fine or sum or sums so awarded, together with the gaol fees, are fully paid:

And all monies arising from fines laid and imposed by this Act, and not already herein-before disposed of, shall go and enure, the one-half to the informer (who shall be a competent witness) and the other half to the public treasury of this Island, to be disposed of and applied to public purposes: Provided always, that if any person shall think himself or herself aggrieved by the determination of any one or more of His Majesty's justices out of sessions, such person may have a re-hearing of his or her case before the justices at sessions on giving security for his or her appearance to prosecute such re-hearing or appeal; and if such re-hearing shall appear before the justices at sessions to be sued upon frivolous or trifling grounds, he or she so appealing shall be fined at the discretion of the justices in any sum not exceeding double the fine before inflicted on the appellant, and such appellant shall also pay double costs and treble damages to the party against whom such frivolous or vexatious appeal shall have been brought.

16. If any justice of this Island shall upon complaint being made by any person or persons of the violation of any part of this Act neglect or refuse to take cognizance thereof, he or they shall forfeit and pay any sum not exceeding one

hundred pounds gold and silver money of said Island, to be recovered in any court of record in this Island by bill, plaint, action, or information, wherein full costs shall be recovered by the complainant or informer, and such complainant or informer shall pay costs, if he become nonsuit or discontinue his suit, or if judgment goes against him on verdict, demurrer, or otherwise, and herein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

17. The harbour-master upon the arrival of any vessel in the port of Parham shall immediately go on board and afterwards report all passengers that may come in the said vessel to the Commander-in-Chief.

Harbour-master on arrival of ship to report all passengers to Commander-in-Chief. Act to be a Public Act.

18. This Act shall be deemed and taken as a Public Act, and all judges, justices, and juries are hereby required judicially to take notice thereof accordingly without its being specially pleaded or shown forth.

No. 50.

AN ACT to amend an Act, intituled "An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries."

Vile Act No. 71.

[Dated 2nd February 1822.]

WHEREAS in and by an Act of this Island, intituled "An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries," it is provided that no person whatsoever at any time shall be permitted to practise physic or vend medicines in any capacity or under any title or denomination in this Island Antigua, unless he shall have obtained a licence from the Governor, or in his absence the President of this Island, to any person whatsoever at any time to practise physic, who shall not produce a certificate from the Surgeons Hall in London, or from one of the universities of Oxford, Cambridge, Edinburgh, Glasgow, or Dublin, of his having been admitted and allowed of that society or company, or shall not produce a certificate of his having undergone an examination in this Island and of approval by those appointed to hold such examination:

Recital of Act No. 46.

And whereas it hath been deemed expedient to extend the benefit of the said Act to any person or persons who shall at any time hereafter be desirous to practise physic in this Island, and who shall produce a certificate of due qualification for such purpose from the Royal College of Surgeons in Edinburgh:

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor-in-Chief of Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That the Governor of this Island, or in his absence the Commander-in-Chief for the time being, shall be duly authorized and is hereby required to grant a licence to practise physic in this Island to any person or persons who shall at any time hereafter produce a diploma or diplomas from the Royal College of Surgeons in Edinburgh of his or their having been admitted or allowed of that body or society, or of being duly qualified for such purpose, anything contained in any former Act of this Island to the contrary hereof in anywise notwithstanding.

Governor, &c. to grant licences to practise physic to persons producing diplomas from College of Surgeons in Edinburgh.

No. 51.

“ AN ACT to compel the Creditor to support his Debtor whilst in Gaol.”

[Dated 11th April 1823.]

WHEREAS it is expedient that the burden of supporting debtors whilst in gaol should be removed from the public and thrown upon those creditors at whose suit they are in execution, we, Your Majesty's most dutiful and loyal subjects the Captain-General and Governor-in-Chief of Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of Your Majesty's said Island of Antigua, do humbly pray that it may be enacted, and be it and it is hereby enacted, That from and after the passing of this Act all and every person or persons who shall be confined in the common gaol of this Island Antigua for debt shall be entitled to receive and demand the sum of one shilling *per diem* in advance from such creditor or creditors at whose suit he, she, or they shall have been confined, as long as such debtor or debtors shall continue in gaol; and if such creditor or creditors shall refuse or omit to pay the said sum of one shilling *per diem*, or agree for the same weekly, then the said debtor or debtors shall and may demand to be immediately released and discharged from the said gaol, and the provost marshal or his lawful deputy or keeper of the common gaol is hereby required and directed to release and discharge the said debtor or debtors accordingly: Provided always, that the said debtor shall deliver to the provost marshal or his lawful deputy a written affidavit to the following effect; *viz.*,

‘ I A.B. do swear that I do not possess any money, goods, chattels, bonds, or other securities, or any articles whatsoever convertible into money for the purpose of my support (bed, bedding, and handicraft tools excepted); and I also swear that I have not acted towards any of my creditors with fraud or deceit in contracting my debts. So help me God.’

And in default of such affidavit being made, be it and it is hereby further enacted, that the said creditor or creditors shall be fully exonerated from the payment of the said sum of one shilling *per diem*, the said debtor or debtors paying likewise all his personal gaol fees and expenses whatsoever, all usage, law, or custom to the contrary notwithstanding:

In case any debtor or debtors shall wilfully forswear in taking the said oath, he, she, or they being duly convicted thereof shall incur the pains and penalties inflicted by law upon persons convicted of wilful and corrupt perjury.

No. 52.

AN ACT to regulate the Salaries of the Captain and Master Gunner of Fort James, the Master Gunner and Storekeeper of Fort George, Monks Hill, and the Gunner of Fort Byam, and for the better ordering the Conduct of Fort Officers in general. [Dated 7th June 1823.]

WHEREAS an illegal practice has for many years existed in this colony by the gunners of the different forts within the same assuming to themselves a right to appropriate to their own use in the way of perquisite a certain portion of the gunpowder issued from time to time for the use of the said forts respectively, to the very serious injury of this colony, which has been thereby dammed to a very considerable extent: We, therefore, Your Majesty's loyal and obedient subjects the Captain-General and Governor-in-Chief in and over Your Majesty's

No. 96.

Debtors taking the oath falsely to be guilty of perjury

111

Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, deeming it indispensably expedient forthwith to put a stop to such scandalous and improper proceedings, pray Your most Sacred Majesty that it may be and it is hereby enacted by the authority aforesaid, That from and after the publication of this Act no officer, captain, gunner, storekeeper, master gunner, or others belonging to the forts within the said Island shall on any pretence whatever, either directly or indirectly, appropriate to his or their own use or that of any other person any portion whatever of the gunpowder issued by the Captain-General or Commander-in-Chief for the time being for the use of the fort to which he or they may belong, but shall justly and scrupulously appropriate the whole of such issues of powder to the use only of such forts respectively; and further, that it shall be unlawful for any such fort officer or officers to have any dealings in powder, either directly or indirectly, except in the way of his or their line of duty, after the passing of this Act.

No officers of any fort to appropriate the gunpowder or to deal therein.

And for more effectually securing the furtherance of the foregoing purpose, for the future every fort officer, gunner, storekeeper, or others to whom any issue of powder shall be made shall keep a regular and minute account of the expenditure of the same, which account shall be made up and delivered in quarterly or otherwise, as his Excellency the Captain-General or the Commander-in-Chief for the time being in their discretion may require, to which account, previous to delivery, he shall annex the following declaration on oath before any one of His Majesty's justices of the peace for the said Island; viz.,

Every officer of forts to keep and deliver in on oath an account of the powder used.

‘ I *A.B.* do swear that the annexed statement of expenditure of gunpowder within the fort to which I belong is just and true; that in all cases the full charge of powder allowed to each gun has been actually consumed; that no part whatever of the same either has been or is intended to be appropriated to my own use or that of any other person whatever, either directly or indirectly; nor have I either directly or indirectly had any dealings whatsoever in powder, except in the way my duty has required. So help me GOD.’

And the said captain and master gunner, master gunner and storekeeper, or gunners, shall deliver a duplicate of such statement similarly avouched to the powder officer for his information, to be produced by him on every examination of his accounts.

If any gunner or other person belonging to the forts of this Island shall be found to have appropriated any part of such gunpowder otherwise than is intended by this Act he or they shall, on conviction of the same in any court of record on the information by evidence on oath of any one or more credible witnesses, be fined for the first offence in any sum not exceeding three hundred pounds nor less than two hundred pounds, and for the second offence in the sum of six hundred pounds and be further dismissed from his situation, and be for ever deemed incapable of being again appointed to any fort situation; and if such captain, gunner, or storekeeper, or gunner, shall wilfully give in to the Captain-General or Commander-in-Chief for the time being any false statement of expenditure, having taken the foregoing oath thereto, the same shall be deemed guilty of wilful perjury, and on conviction thereof in any court of justice shall suffer the pains and penalties thereunto annexed in addition to the pecuniary penalties and disability afore-mentioned.

Penalties for violation of this Act.

And whereas the officers having charge of the forts called James Fort and Fort George should be persons of respectability, and the salaries at present received by those persons are very small, divested of such perquisites as have been hitherto illegally taken, and are therefore insufficient to support them in

Salaries of the chief officers of Fort James, Fort George, and Fort Byam.

that rank which ought to be maintained: Be it therefore and it is hereby enacted by the authority aforesaid, That from and after the publication of this Act the salaries of the said officers of Forts James and George and the gunner of Fort Byam shall be augmented as follows; that is to say,

No. 96.

The captain and master gunner of Fort James shall receive yearly the sum of three hundred pounds:

The master gunner and storekeeper of Fort George shall receive the sum of three hundred pounds per annum:

The said officer of Fort Byam shall receive the sum of one hundred pounds per annum:

So long only as they respectively reside within the said forts to which they are attached; the said augmentation being deemed to include the yearly salaries already allowed to them, which said last salaries shall therefore from the publication of this Act, so far as respects those officers, cease to exist; the said salaries as now fixed to be paid *quarterly* in the same manner as heretofore has been done.

No. 163.

Appropriation of penalties received under this Act.

The penalties under this Act shall be appropriated one half to the King for the use of the public of this Island, and the other half to the informer, who is hereby declared to be a competent witness.

No. 53.

Vide No. 11.

AN ACT for preventing Aliens of dangerous Principles from residing in this Island, and for establishing other Regulations for the Security of the Inhabitants. [Dated and published 10th July 1823.]

WHEREAS aliens of different descriptions have for some time past been daily arriving and taking up their abode in this Island, many of whom are known to have fled from justice in other places for crimes which strike directly at the root of the peace and safety of the colonies: And whereas it is matter of vital importance that such incendiaries should be prohibited from maturing their plots and prosecuting their iniquitous career in this Island, to the great danger of the lives and property of the inhabitants, and that to this end a strict and watchful eye should be required to be kept by the police over strangers arriving in this Island, the Executive Government armed with a competent power to order suspected aliens to quit the same within a given time: May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Governor-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That after the publication of this Act it shall and may be lawful for the Captain-General or Commander-in-Chief for the time being of this Island to issue a proclamation ordering all aliens of every description residing or being within this Island to appear before him at such time and place as he shall appoint and adduce such proofs of their former character and situation in life as may enable him to judge of the propriety of permitting them to remain in this Island; and all aliens who shall fail to appear before the said Captain-General or Commander-in-Chief for the time being as aforesaid, or who appearing shall not show a satisfactory cause to the contrary, shall be considered as persons of dangerous principles, and be obliged, on receiving an order to that effect in writing from the said Captain-General or Commander-in-Chief for the time being, to depart from this Island within the space of fourteen days, and on

Governor of this Island may issue proclamation calling all aliens before him to give account of themselves, and in default of their appearance or giving satisfactory character may order them to quit the Island.

neglecting or refusing so to do within such space of time after receipt of such order shall be liable to commitment to the common gaol by warrant of any justice of the peace, there to remain without bail or mainprise until they shall be prepared to quit this Island or be released by the Captain-General or Commander-in-Chief for the time being as herein-after mentioned.

Any alien not complying with order to be committed to gaol.

2. That after the publication of this Act aliens of all classes who shall arrive in the towns of Saint John and Falmouth in this Island shall immediately after their arrival in either of such towns repair to the police office and give in a true and correct particular in writing of their names, the places of their birth, and their usual places of abode respectively, and all such particulars shall be regularly entered from time to time in the respective police books; and aliens of all classes who shall arrive in any parts of the Island where there is no regular police establishment shall immediately after their arrival therein appear before one of the neighbouring justices of the peace and give in a like particular in writing of their names, the places of their birth, and their usual places of abode respectively; and every justice of the peace so receiving any such particular shall with all convenient speed transmit the same to one of the police officers, to be there entered in the police book in like manner as is herein-before prescribed in regard to aliens arriving in the towns of Saint John and Falmouth; and the harbour-masters of this Island shall regularly make a faithful report in writing at the custom houses of Saint John's and Parham respectively of the names and descriptions of all persons who shall arrive as passengers in the respective harbours; and if any alien arriving as aforesaid shall neglect or omit to give in such particular as is herein enjoined, or if any harbour-master shall neglect or omit to make such report as is herein required to be made, he or she shall on conviction thereof on oath before any justice of the peace respectively forfeit and pay the sum of five pounds, to be recovered and applied as herein-after mentioned.

Aliens arriving in the Island to report themselves at the police office.

Justices of the peace to forward particulars of aliens to police office.

Harbour masters to report all passengers arriving.

Any alien or harbour-master making default to forfeit *5l.*

3. That if the sitting or acting magistrate shall have reason to suspect the character or principles of any alien so arriving and described in the police book, or any alien who shall have omitted to give in the necessary particular, it shall and may be lawful for such sitting or acting magistrate and he is hereby authorized and required to direct such alien to appear before him and give an account of himself or herself and of his or her pursuits, and if such alien shall refuse to obey the summons of the said magistrate or fail to give a satisfactory account of himself or herself and his or her pursuits he or she shall be committed by warrant of the said magistrate to the common gaol, there to remain without bail or mainprise until he or she shall be prepared to leave this Island or be released by the Captain-General or Commander-in-Chief for the time being as herein-after mentioned: Provided always, that it shall be lawful at any time previous to the banishment of the party for the said magistrate who shall have committed him or her as aforesaid, upon satisfactory proof being adduced of his or her good character, to order him or her to be set at liberty.

Magistrate suspecting any alien arriving in the Island may summon him to give a satisfactory account of himself, and in default alien may be committed to gaol for banishment.

Committing magistrate may order alien to be set at liberty.

4. That every magistrate who shall commit any suspected alien as aforesaid shall with all convenient speed notify his said commitment to the said Captain-General or Commander-in-Chief for the time being and make a detailed report in writing to him of the circumstances connected with such commitment, and if the said Captain-General or Commander-in-Chief for the time being shall upon considering the said report be of opinion that the person therein named cannot be safely permitted to remain in this Island, he is hereby authorized and empowered to give an order in writing requiring such person to depart from this Island; but if the said Captain-General or Commander-in-Chief for the

Magistrate to notify any such commitment to Governor, who may order such alien to quit the Island or to be liberated.

Provost marshal to liberate alien when the vessel in which passage is taken is on the point of sailing.

time being shall be of opinion that the circumstances set forth in the said report are not such as would justify the banishment of the party committed he is hereby authorized and empowered to give an order in writing for his or her liberation; and any orders so given by the said Captain-General or Commander-in-Chief for the time being shall be lodged with the provost marshal or his deputy, and the said provost marshal or his deputy is hereby authorized and required to release any suspected alien under commitment for banishment who shall be ready to leave the Island when the vessel in which he or she shall have engaged a passage shall be on the point of sailing, and if any such suspected alien so released as aforesaid shall wilfully remain in the Island for the space of ten days after being so released as aforesaid he or she shall be liable to recommitment by warrant of any magistrate.

Governor may order any alien to quit the Island notwithstanding he shall not be originally suspected by the magistrates.

5. That it shall and may be lawful for the Captain-General or Commander-in-Chief of this Island for the time being, at any time after the publication of this Act, to order any alien who may not be suspected of dangerous designs to quit the Island within such time as he may think proper to prescribe, notwithstanding such alien may not have been originally suspected by the magistracy; and if any such alien so ordered to depart within a given time shall wilfully neglect or refuse so to do, he or she shall be committed to the common gaol by warrant of any magistrate, there to remain without bail or mainprise until he or she shall be prepared to quit the Island, in like manner and upon the same terms as are herein-before prescribed in regard to other suspected aliens committed for banishment.

6 and 7 expired.

Recovery and appropriation of penalties.

8. That all penalties imposed by this Act shall be to the sole use of the informer (who is hereby declared to be a competent witness), and recovered by warrant under the hand and seal of any justice of the peace committing the party convicted to the common gaol until payment of the penalty incurred: Provided always, that every party committed for nonpayment of any such penalty shall be discharged from imprisonment at the expiration of three calendar months from the day of the date of his or her commitment, unless sooner released by due course of law.

No. 54.

Recited Act repealed. AN ACT to alter and amend an Act, intituled "An Act to prevent the throwing
" or firing of Squibs, Serpents, Rockets, and other Fireworks."

[Dated 31st October; published 3rd November 1823.]

WHEREAS the said Act has been found inefficacious in preventing the firing of squibs, serpents, rockets, or other fireworks on the Government ground and the outskirts of the town of Saint John, and the same being attended with considerable danger to the lives and properties of the inhabitants of the said town: To prevent in future such unlawful and dangerous practice, we, Your Majesty's dutiful and loyal subjects the Captain-General and Governor-in-Chief of Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the passing and publication of this Act it shall not be lawful for any person or persons, of what

No person to throw fireworks, &c. in the town of Saint John

age, sex, degree, or quality soever, to cast, throw, or fire any squibs, serpents, rockets, or other fireworks in the said town of Saint John or the outskirts thereof or on the said Government ground, or in any other town or place within the said Island Antigua.

or elsewhere in the Island.

2. That if any person or persons, of what age, sex, degree, or quality soever, from and after the said passing and publication of this Act shall throw, cast, or fire, or be aiding or assisting in the throwing, casting, or firing of any squibs, serpents, rockets, or other fireworks in the said town of Saint John or the outskirts thereof or on the said Government ground, or in any other town or place whatsoever in the said Island of Antigua, that then every such person or persons so offending, and being thereof convicted before one or more justice or justices of the peace for the said Island, either by the confession of the party or parties so offending or the oath of one witness (which oath the said justice or justices of the peace is and are hereby empowered and required to administer), shall for every such offence forfeit the sum of five pounds current gold and silver money, the said forfeiture to be levied by distress and sale of the goods and chattels of every such offender by warrant under the hand and seal or hands and seals of the said justice or justices of the peace before whom such conviction or convictions shall be as aforesaid made, the one half of the said forfeiture to be paid to the Treasurer of this Island for the use of the public thereof, and the other half to the use of him, her, or them who shall prosecute and cause such offender or offenders to be as aforesaid convicted; and in case such person or persons so convicted as aforesaid shall not be possessed of goods and chattels sufficient to satisfy such forfeiture as aforesaid, that then it shall and may be lawful for such justice or justices of the peace before whom such person or persons shall be so convicted by warrant under his or their hand and seal or hands and seals to commit such offender or offenders to the common gaol of this Island Antigua for and during the space of one calendar month, without bail or mainprize, or until such forfeiture be paid.

All persons offending against this Act to forfeit 5*l*.

3. Expired.

4. Had effect.

5. That if any person be at any time sued for putting in execution this Act or any of the powers therein contained, then such person sued shall and may plead the general issue of not guilty and give the special matter in evidence; and if the plaintiff in such suit or action be nonsuit or a verdict pass for the defendant, or if such plaintiff discontinue his action, or if upon a demurrer judgment be given for the defendant, every such defendant shall have his full treble costs, to be paid by such plaintiff, and the like execution for the same as in any case where costs are given for the defendant: Provided always, that nothing herein contained shall be construed to prevent the exhibition of fireworks on any occasion of public rejoicing or otherwise, under the sanction in writing of his Excellency the Captain-General or the Commander-in-Chief for the time being, or of any two or more of His Majesty's justices of the peace of this Island.

Persons sued for executing this Act may plead not guilty and give special matter in evidence.

Act not to prevent exhibition of fireworks with sanction of Governor or two justices.

No. 55.

Vide Acts No. 58,
No. 154, s. 3, No. 216,
s. 19.

AN ACT for more effectually preventing the Profanation of the Lord's Day.
[Dated and published 21st May 1824.]

Preamble.

WHEREAS the practice of exposing goods, wares, and merchandise for sale in stores, warehouses, and shops upon the Lord's Day is not only scandalous in itself and irreverent to Almighty God, but cannot fail in a political point of view to prove extremely injurious to the welfare of the inhabitants at large by corrupting the morals of the lower orders, and thereby counteracting the benefit of that religious instruction which it is at once the hearty desire and the sound policy of the Legislature to diffuse amongst them, not simply by the aid of common precept, but by the still more powerful force of good example on the part of those of higher station in the colony: And whereas a large portion of the inhabitants have lately very laudably marked and recorded their reprobation of this practice by a petition to the House of Assembly, very properly detailing the evils which are likely to arise from it, and praying that an Act may be passed for inflicting such heavy penalties upon offenders as may have the desired effect of putting a more exemplary and decided prohibition to it, and it is but justice to the well-disposed that their interests should be protected against any attempts that may be made by the more mercenary and avaricious to undermine them:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Commander-in-Chief for the time being in and over Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That from and after the publication of this Act it shall not be lawful for any person in this Island to expose or offer for sale any goods, wares, or merchandise in any store, warehouse, or shop upon the Lord's Day or any part thereof, and that all stores, warehouses, and shops shall be kept constantly closed and shut up upon the Lord's Day, and every part thereof accordingly, and every person offending against this Act shall upon conviction thereof, upon indictment before the Court of King's Bench and Grand Session of this Island, be punished by fine and imprisonment at the discretion of the said court; and if any person so convicted shall be a licensed retailer of rum, cordial waters, or other strong waters, he or she shall *ipso facto* forfeit his or her licence, and be held incapable of ever holding another, and all fines inflicted by the said court upon offenders under this Act shall be to the sole use of the informer, who is hereby declared to be a competent witness: Provided always, that the prohibitions herein contained shall not be construed to extend to inns, taverns, or victualling houses, or druggists or apothecaries shops, or to butchers or to bakers shops in which no article except meat and bread shall respectively be sold; and provided also, that no person or persons shall be impeached, prosecuted, or molested for any offence against this Act unless he, she, or they shall be informed against within ten days after the said offence shall have been committed.

No persons to sell any
goods, &c. on Sun-
days.

Offenders to be
punished by fine and
imprisonment, and by
forfeiture of licence
where party is a li-
censed retailer of
strong waters, &c.
Vide No. 216, ss. 19,
22.

Prohibition not to
extend to taverns,
druggists shops, &c.

No offence to be
punished unless in-
formation given
within 10 days.

No. 56.

AN ACT for repealing all Laws now in force relating to Ecclesiastical Regimen or to any Matter or Thing thereby regulated, and for extending to this Island Antigua all Laws, Ordinances, and Canons Ecclesiastical which are now used and in force in that Part of the United Kingdom of Great Britain and Ireland called England, so far as the same relate to the due ordering and Ecclesiastical Regimen and Jurisdiction over the Clergy therein, and all Rules of Proceeding for carrying the same into effect.

Vide No. 161, s. 38,
and No. 186.

[Dated and published 10th June 1825.]

YOUR Majesty having been graciously pleased by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date the twenty-fourth day of July one thousand eight hundred and twenty-four, (with a view to remedy many inconveniences and defects under which Your subjects in the West Indies have for many years laboured,) to erect, form, ordain, make, and constitute the several Islands of Barbadoes, Grenada, Saint Vincent, Dominica, Antigua, and Montserrat, Saint Christopher, Nevis, and the Virgin Islands, Trinidad, Tobago, and Saint Lucia, and their respective dependencies, to be a bishop's see, and to be called from thenceforth the bishopric of Barbadoes and the Leeward Islands, and to name and appoint William Hart Coleridge doctor of divinity, to be bishop of the said see, with full power and authority to the said bishop and his successors bishops of Barbadoes and the Leeward Islands to perform all the functions peculiar and appropriated to the office of a bishop, and by him or themselves, or by his or their commissary or commissaries to be by him or them substituted and appointed to exercise jurisdiction spiritual and ecclesiastical in and throughout the said see and diocese and all and several the said Islands and Settlements, according to the laws and canons of the Church of England which are lawfully made and received in England, in the several causes and matters in the said letters patent expressed and specified; and having been further pleased in and by the said letters patent to provide that nothing therein contained should extend or enure to derogate from or interfere with the force and effect of any Act or Acts relating to ecclesiastical regimen, or to any matter or thing thereby regulated which should have been passed by the Governor, Council, and Assembly of any or either of the said Islands or Settlements respectively, and have received the Royal confirmation, so long as the said Act or Acts should continue unrepealed or in force, but that from and after the repeal of any such Act or Acts, or so soon as the same should otherwise expire, all powers and authorities relating to ecclesiastical regimen which may have been delegated or granted under the Royal sign manual or otherwise, in conformity with the provisions of any such Act or Acts, to any person or persons residing within the said Islands or Settlements should thereupon cease, determine, and become void, and all and everything in the said letters patent contained should enure and take effect as fully as if such Act or Acts had not been made; and having also in and by the said letters patent fully declared Your Royal will concerning the special causes and matters in which it was Your Royal pleasure that the said jurisdiction should be exercised: In furtherance therefore of Your Majesty's most gracious intentions and in obedience to Your Royal will and pleasure as in and by the said letters patent expressed and contained, may it please Your Majesty that it may be enacted, and be it enacted by Your Majesty's dutiful and loyal subjects Your Commander-in-Chief in and over Your Islands of Antigua, Montserrat, and Barbuda, and Your Majesty's Council and Assembly of this Your Island of Antigua, and it is hereby enacted and ordained by the authority aforesaid, That from and after the publication of this

Repeal of all former Acts relating to ecclesiastical regimen.

Act all and every Act or Acts relating to ecclesiastical regimen, or to any matter or thing thereby regulated, which shall or may at any time heretofore have been passed by the Governor or Commander-in-Chief and the Council and Assembly of this Island Antigua, and which shall or may have received the Royal confirmation and be now in force therein, shall be and the same and each and every of them is and are hereby wholly repealed, and that from thenceforth all powers and authorities relating to ecclesiastical regimen which shall or may have been at any time heretofore delegated or granted under the Royal sign manual or otherwise, in conformity with the provisions of any such Act or Acts to any person or persons residing within this Island Antigua, shall immediately cease, determine, and become void, to all intents and purposes whatsoever.

Ecclesiastical laws in force in Great Britain to be in force in Antigua.

2. That from and immediately after the publication of this Act all laws, ordinances, and canons ecclesiastical which are now used and in force in that part of the United Kingdom of Great Britain and Ireland called England, so far as the same relate to the due ordering and ecclesiastical regimen and jurisdiction over the clergy therein, and all rules of proceeding for carrying the same into effect, shall be esteemed accepted and taken to be in full force and virtue within this Island Antigua in respect of the clergy resident within the said Island, and that all and every the judges of the Supreme Courts of Judicature within the said Island shall and may from time to time and at all times hereafter be, and they and each and every of them are and is hereby authorized and required to be aiding and assisting in enforcing and carrying into execution such processes and proceedings, orders, sentences, adjudications, and decrees, as shall or may at any time or times hereafter be issued, had, made, or given in respect of the clergy within the said Island Antigua, in the same manner to all intents and purposes as the courts of common law within that part of the United Kingdom called England lawfully may or are authorized, empowered, or required to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes and proceedings, orders, sentences, adjudications, and decrees, issued, had, made, or given in the said last-mentioned courts, any law or custom in this Island Antigua to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Act contained shall extend or be construed to extend to repeal or alter any part or parts of any Act or Acts heretofore duly made and passed and now in force in this Island Antigua which relate to the division of the said Island into parishes and the appointment of vestries in the respective parishes, or to the powers and authorities conferred on such vestries for the settling and regulating the affairs of the said parishes generally, and assessing, collecting, and applying parochial rates, but that so much of the said Act or Acts and every of them shall remain and continue in full force and effect until the same shall be altered or amended by some future legislative enactment or enactments.

This Act not to repeal the Acts for the division of parishes and appointment of vestries, No. 161.

No. 57.

AN ACT for the more speedy and effectually securing and apprehending Persons under Charges of High Treason, Murder, and Arson, by enabling the Governor or Commander-in-Chief for the Time being to issue Proclamations and offer Rewards for that Purpose.

[Dated and published 6th November 1829.]

Preamble.

WHEREAS the general safety as well as the personal security of individuals ought to be as much as possible ensured:

And whereas so desirable an end can only be attained by the adoption of measures for the speedy apprehension of persons who may criminally offend against either :

And whereas from there being no colonial law at present existing to authorize the offer of rewards on the part of his Excellency the Governor without convening and obtaining the assent of the Legislature, by which dilatory process persons having committed and standing charged with the crimes of high treason, murder, and arson have and may gain thereby time and opportunity to escape from justice :

We, therefore, Your Majesty's dutiful, loyal, and obedient subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's said Island of Antigua, That from and after the publication of this Act it shall and may be lawful for his Excellency the Governor or Commander-in-Chief for the time being, on any occasion when any person or persons may stand charged in due form and according to law with the crimes of high treason, murder, or arson, to proclaim a reward for the apprehension of such person or persons, in any sum (not exceeding the sum of one hundred pounds current gold and silver money) which he may in his discretion deem necessary for each and every such person, and to draw on the Treasurer of this Island for the amount, who is hereby authorized and required to pay the same, to be allowed in his yearly accounts on production of such order of his Excellency the Governor or Commander-in-Chief for the time being, which shall be to him a full and sufficient voucher.

Governor authorized to offer rewards not exceeding 100*l.* for the apprehension of persons charged with treason, murder, or arson.

Treasurer to pay the amount of the reward on the Governors order.

No. 58.

AN ACT for more effectually enforcing a due Observance of the Lord's Day.

[Dated and published 18th February 1831.]

Vide Acts No. 55, No. 154, s. 3, No. 216, s. 19.

We, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's Island of Antigua aforesaid, That in one calendar month from and after the publication of this Act all Sunday markets shall absolutely cease and be hereby further declared unlawful, and that no persons whosoever shall on that day be permitted to show forth or expose or offer for sale in any of the markets, roads, streets, lanes, wharves, or any other places either in the towns of this Island or in any part thereof, or in the Islands adjacent and thereto belonging, any articles of any description whatsoever (save and except milk, fresh fish, and fodder for horses, which said excepted articles, however, may not be sold during the hours set apart for divine service under the pains and penalties of this Act), under penalty of forfeiture of the goods so exposed for sale to the person seizing the same, and in addition a further penalty of twenty shillings for every such offence, to be levied of his or her goods and chattels under warrant of any one justice of the peace directed to a constable or to a police officer, and which

Sunday markets declared unlawful.

No persons to expose for sale on Sunday any articles whatsoever (except milk, fresh fish, and fodder for horses) under penalty of forfeiture of the goods exposed for sale and of 20*s.* additional.
No. 96.

penalty the magistrate shall award to the said constable, who on his part is hereby required to execute the same without delay, under a penalty of three pounds for neglect of so doing, recoverable in like manner; and in default of sufficient goods the party shall in each case be imprisoned for thirty days.

Any person may seize goods so exposed for sale and carry them with the offender before a justice of the peace.

2. That it shall and may be lawful for any person to seize the said goods so exposed for sale (with the exceptions aforesaid), and to take them on the following day before any one of His Majesty's justices of the peace, together with the offending party, and the said justice is hereby authorized and required to award the said goods to the person having seized the same, as also to inflict the further penalty of twenty shillings, on conviction of the offence on oath of one credible witness, which penalty to be awarded to the informer or person having seized the goods so exposed for sale, who is hereby declared to be a competent witness.

3. Expired.

Police of the Island to attend at the respective market places and take into custody all persons offending against this Act and to seize all goods exposed for sale.

4. That on the Sunday next ensuing and on every Sunday after the expiration of the said calendar month hereby limited for this Act taking effect the aforesaid police and constables for the said Island shall, and they are hereby required so to do, attend at the respective markets within their cognizance and control as aforesaid and take into their custody all and every person and persons who may be found in any of the said markets throughout the said Island vending, bartering, or purchasing any goods, wares, or merchandise, or provisions (save and except as is herein-before excepted), together with the goods so exposed for sale, and if the offence be committed in the town of Saint John they shall carry the offender or offenders to the common gaol of the said Island (and the marshal or his deputy is hereby authorized and required to receive into his custody such person or persons), there to remain until the following day, when he, she, or they so offending as aforesaid shall be taken before the sitting magistrate for the said town of Saint John, to be dealt with agreeably to the previous provisions of this Act; and if the offence be committed in English Harbour, Falmouth, or any other of the towns of the said Island where markets are holden, it shall and may be lawful for the police or other constables residing near to such market place as aforesaid to take the offending party into custody and confine him, her, or them in the nearest place of safety until the following day, when he, she, or they so offending as aforesaid shall be carried before any magistrate living in the neighbourhood or division where the offence shall have been committed, to be dealt with according to the said previous provisions of this Act.

Punishment of policemen or constables neglecting their duty under this Act. Vide No. 201, s. 17.

5. That for any charge of neglect or omission of duty brought before any justice of peace for said Island against any of the police establishment or against any constable of said Island for not voluntarily and promptly giving his assistance, if present, or neglecting or refusing to act when called upon to render his assistance or services in his capacity aforesaid, it shall and may be lawful for such justice of peace, upon conviction of the party or parties so charged as aforesaid of the offence laid against him or them, to punish the individual or individuals so transgressing and for each transgression by a fine of three pounds current gold and silver money, and in default of immediate payment of the said fine the same shall be levied by distress under the said justice's warrant directed to any constable; and in the event of insufficient levy to satisfy the said fine the said justice shall and may lawfully commit the offender or offenders to the common gaol for a period not exceeding thirty days; and if the offender so convicted and committed be on the police establishment he shall be moreover mulcted of as much of his pay or salary as would be adequate to the term of his confinement or absence from duty, and further, on a

second conviction of such offence he shall be deemed and taken to have come under the penalty imposed for neglect by the eleventh clause of an Act of this Island, commonly called the Police Act, and intituled "An Act to aid and assist the Magistrates in the Performance of their Duty, the more effectually to put in force certain Laws of this Island, and for establishing a Police and Nightly Watch in the Town of Saint John, and to repeal an Act, dated at Saint Christopher the Twentieth Day of November One thousand eight hundred and twelve, intituled 'An Act to aid and assist the Magistrates in the Performance of their Duty, the more effectually to put in force certain Laws of this Island, and for establishing a Police and Nightly Watch in the Town of Saint John,'" and be dismissed, according to the provisions of the said clause.

Act expired.

Section 6, expired.

7. That all fines incurred under this Act, and not especially appropriated or awarded therein, shall be paid to His Majesty, His heirs and successors, to be applied to the general uses and purposes of this Colony.

Application of fines under this Act.

8. That the market places situated on the verge or within one mile of any of the towns of this Island shall be deemed and they are hereby declared to be within the bounds of the said towns for the purposes of this Act.

Market places situate within one mile of any town to be deemed within such town.

No. 59.

AN ACT to enable the Registrar of the Island of Antigua, upon Production of a certain Deed, dated the Sixteenth Day of September one thousand eight hundred and sixteen, to record the same pursuant to the Laws of the said Island for registering Deeds conveying Estates in the said Island, notwithstanding the Lapse of Time limited by the said Laws for that Purpose; and to ratify and confirm the Title of John Blackburn, late of London, Esquire, deceased, to a certain Estate called "The Villa," which was conveyed by the said Deed of the Sixteenth Day of September One thousand eight hundred and sixteen, to all Intents and Purposes as if the said Deed had been recorded in due Time.

Private.

[Dated 4th December 1829; Confirmed by Order in Council, 4th August 1830.]

WHEREAS John Blackburn, formerly of Broad Street Mews, in the city of London, Esquire, deceased, being the proprietor of an estate in the said Island called the Villa Estate, subject to certain charges and incumbrances affecting the same, did in and previous to the year one thousand eight hundred and sixteen contract and agree to purchase the several sums of money charged on the said estate and the several and respective interests of the several and respective parties having charges thereon, and in pursuance thereof by indenture bearing date the sixteenth day of September one thousand eight hundred and sixteen, and made between Margaret Charlotte Stuart King, widow, therein described of the first part, Ann Lindsey Jarvis therein described of the second part, Marie Rose Goehrand Sargenton and Jean Baptiste Levilloux therein described of the third part, Snowden Barne, Esquire, Mary Meredith, John Lindsey, William Lindsey, and Robert Lindsey, Esquires, therein described of the fourth part, John Holmes, Esquire (since deceased), of the fifth part, Ann Daniell and Elizabeth Daniell therein described of the sixth part, John Heyman therein described and John Fallowfield Scott of the seventh part, and the said John Blackburn, Esquire (since deceased), of the eighth part, for the considerations therein mentioned, and with the consent of the several parties therein mentioned, the several sums of money therein

mentioned and charged upon the estate and premises therein described in the Island of Antigua called "The Villa" were thereby assigned unto the said John Blackburn, his heirs, executors, administrators, and assigns in manner therein mentioned :

And in order that the said indenture might be duly registered according to the laws and usage of the said Island of Antigua the parties thereto, by a power contained in the said indenture, appointed Thomas Kirwan and Philip Lyne, both of the said Island, Esquires, jointly and severally attorneys of each and every of them the said parties, to appear before the proper officer appointed for the purpose of registering deeds in the said Island to acknowledge the due execution of the said deeds by the said parties respectively :

No. 25, s. 2.

And whereas the laws of the said Island of Antigua require that all deeds which may be executed beyond seas and by which any interest in real estate is to be conveyed be recorded in the office of the registrar of the said Island within two years after the execution thereof, upon pain of the said deeds being rendered invalid and of none effect :

And whereas in order to the enrolment of such deeds it is necessary that the parties by whom they are executed or some person specially authorized by them for that purpose should appear before the registrar, and produce the deeds and acknowledge the same to have been executed by the parties by whom the same may purport to be made : And whereas all the parties to the said indenture of the sixteenth day of September one thousand eight hundred and sixteen did duly execute the same, but being numerous, and living in different parts of the world and at a great distance from each other, a year and ten months elapsed before such execution took place, after which the said deed was sent out for the purpose of registration as aforesaid, but before it arrived in the said Island the said Thomas Kirwan had departed this life and the said Philip Lyne had quitted the said Island :

And whereas Patrick Kirwan, late of the said Island, Esquire, since deceased, one of the executors of the said Thomas Kirwan, thereupon presented the said deed to the registrar and desired to have the same recorded, but the registrar declined to comply with the said request on the ground that neither of the persons specially authorized by the said deed to acknowledge the execution thereof had appeared before him for that purpose :

And whereas in consequence thereof the said deed was not enrolled and the said John Blackburn did not in his lifetime acquire the legal title to the property he had so purchased, although he was in possession and in the enjoyment of the produce and profits thereof :

And whereas when the refusal to record the said deed was notified to the said John Blackburn, the said Marie Rose Gocherand Sargenton was resident in the Island of Martinique, the said Jean Baptiste Levilloux in the kingdom of France, the said Robert Lindsey in one of His Majesty's colonies in the West Indies, the said John Heyman at Lima in South America, and other persons parties to the said deed at various and distant parts in Great Britain and Ireland, on which account the said John Blackburn found it would be difficult and expensive if not impossible to procure a re-execution of the said deed by the several parties thereto, and his only remaining resort for relief was to the Legislature of the said Island of Antigua :

And whereas in the month of January one thousand eight hundred and twenty-three an application was made on behalf of the said John Blackburn to the Assembly of the said Island for a Private Act to enable the registrar to record the said indenture and such an Act was accordingly passed, but the

operation thereof was, in pursuance of His Majesty's standing instructions, suspended until the pleasure of His Majesty should be known thereon:

And whereas the said Act was forwarded to the Right Honourable Earl Bathurst, then one of His Majesty's Principal Secretaries of State, for the purpose of obtaining the Royal assent thereto, but the same was not obtained, owing to certain objections which the subsequent ill-health of the said John Blackburn and his death in the year one thousand eight hundred and twenty-four prevented him from taking proper measures to remedy:

And whereas in the month of May one thousand eight hundred and twenty-eight application was again made to the Assembly of the said Island of Antigua for relief in the matter before mentioned, and a bill was accordingly passed by the Two Houses of Legislature some time in the month of January in this present year of our Lord one thousand eight hundred and twenty-nine, but the assent of the Governor and Commander-in-Chief thereto was withheld in consequence of its appearing that the said bill was contrary to the tenor of certain of the Royal instructions:

And whereas the said John Blackburn was before and at the time of his decease indebted by simple contract and otherwise unto several persons in divers sums of money, and at the respective times of making his will and of his death was seised of or well entitled unto or possessed of certain estates in the county of Southampton and elsewhere in England and in the Islands of Antigua and Dominica in the West Indies, and was also possessed or well entitled to considerable personal estates and effects:

And whereas the said John Blackburn, being seised, possessed, or entitled, duly made and published his will bearing date the twenty-third day of July one thousand eight hundred and eighteen, and thereby directed all his just debts, funeral and testamentary expenses, to be paid as soon as conveniently might be after his decease, and charged all his real and personal estate with the payment thereof, and also with the payment of all his legacies therein-after by him given and bequeathed, and to be given and bequeathed by any codicil to that his will, except legacies for charitable purposes, which he directed to be paid out of his personal estate only, and after giving several specific and pecuniary legacies, and an annuity of fifty pounds and some furniture, he gave, devised, and bequeathed all his freehold, copyhold, and leasehold estates, and all the residue and remainder of his personal estate and effects whatsoever and wheresoever, unto and to the use of John Thompson and George Hathorn and his brother Edward Berens Blackburn, their heirs, executors, administrators, and assigns respectively, according to the nature and quality thereof respectively, upon trust by sale or mortgage, or both, of his said real estate or any part thereof, and by and out of his personal estate, to levy and raise such sums of money as would be sufficient to pay and satisfy all his just debts, funeral and testamentary expenses, and the legacies given by that his will and to be given by any codicil or codicils thereto (subject as therein mentioned), and to pay, apply, and dispose of the same accordingly, and subject to the trusts therein declared of his said estates, and the residue of his personal estate he directed his trustees and the survivors and survivor of them, and the heirs, executors, administrators, and assigns of such survivor, to stand seised and possessed of and interested in the same or so much thereof as should not be absolutely disposed of for some or one of the purposes therein-before mentioned, in trust for his brother Edward Berens Blackburn, his heirs, executors, administrators, assigns, absolutely, with such power of appointment of new trustees as therein mentioned, and appointed the said John Thompson, George Hathorn, and Edward Berens Blackburn executors of that his will:

And whereas the said John Blackburn departed this life on the second day of June one thousand eight hundred and twenty-four without having altered or revoked his said will and codicil, save as far as the said will was altered or revoked by the said codicils, and save as such first codicil was altered or revoked by the latter thereof, leaving the Reverend Henry Stephenson Blackburn, clerk, his eldest brother and heir at the common law and also his customary heir, and the said John Thompson, George Hathorn, and Edward Berens Blackburn, the executors and trustees in the said will named, him surviving:

And whereas soon after the death of the said testator the said John Thompson and George Hathorn renounced probate of the said will, and the Reverend Edward Berens Blackburn, the other executor named in the said will, was at the time of the said testator's death residing in the Mauritius:

And whereas letters of administration of the said John Blackburn's effects, with his will annexed, were on the fourteenth day of February one thousand eight hundred and twenty-five duly granted by the Prerogative Court of Canterbury to Philip Lyne, of Westbourne in the county of Sussex, Esquire, as a creditor of the said John Blackburn, and the said Philip Lyne by virtue thereof became and is the only legal representative of the said John Blackburn:

And whereas the said Philip Lyne as such creditor as aforesaid filed his bill in the High Court of Chancery in England against the said John Thompson, George Hathorn, Henry Stephenson Blackburn, and Edward Berens Blackburn, in Trinity term one thousand eight hundred and twenty-five, and by the decree made on the hearing of the cause, bearing date the twenty-first day of July one thousand eight hundred and twenty-five (the defendant Henry Stephenson Blackburn admitting the will of the said testator John Blackburn), it was declared that the same ought to be established and the trusts thereof performed and carried into execution, and it was declared accordingly and the usual decree to account was pronounced:

And whereas by an order made in the said cause on the petition of the said Philip Lyne, bearing date the twenty-third day of March one thousand eight hundred and twenty-six, it was amongst other things ordered that it be referred to Mr. Stratford, one of the masters of the said court, to whom the said cause stood referred, to appoint one or more proper persons in the Islands of Dominica and Antigua and elsewhere in the West Indies to manage the said testator's estate there and to receive the rents, profits, and produce thereof, and he or they was or were to remit the same to a proper person or persons in London, to be appointed by the said master with the usual directions:

And whereas by a report of the said master made in the said cause, bearing date the fourth day of July one thousand eight hundred and twenty-six, Henry Moreton Dyer, of Devonshire Place House in the county of Middlesex, Esquire, was appointed to be the consignee of the rents, profits, and produce of the said testator's estates in the said Islands of Antigua and Dominica and elsewhere in the West Indies:

And whereas by another report made in the said cause by the said master, bearing date the fifth day of July one thousand eight hundred and twenty-six, Charles Jones Barnard of the Island of Antigua was appointed to be the manager of the said testator's plantation called "The Villa Estate" in the Island of Antigua:

And whereas the said master to whom the said cause stands referred has not yet made his report of the debts and credits of the said John Blackburn, owing to their extensive and complicated nature, but there can be no doubt that a sale of all the said John Blackburn's real estates will be eventually decreed by the said Court of Chancery:

And whereas the said testator John Blackburn, not having acquired a legal title to the said estate and premises called "The Villa" in the said Island of Antigua according to the laws of the said Island, for want of such registration as aforesaid, there will be an insuperable difficulty in conveying a valid title to a purchaser, and the said Philip Lyne and the other creditors of the said John Blackburn will therefore be deprived of the advantages which would arise to them from the sale of the said estate and premises in the said Island:

And whereas the said Philip Lyne did present his petition to the High Court of Chancery in the said cause setting forth that the only remedy, as the said Philip Lyne was advised, under the said difficulty would be to apply to the Colonial Legislature of Antigua to pass another Act for the purpose of authorizing the registration of the said deed of the sixteenth day of September one thousand eight hundred and sixteen, and hoped that such new Act would receive the Royal assent upon being made free of the objections which prevailed against the allowance of the former Act; whereupon on the tenth day of February one thousand eight hundred and twenty-seven, upon hearing of the said petition it was ordered that the said Henry Moreton Dyer and the said Charles Jones Barnard, or one of them, should be at liberty to apply to the Colonial Legislature of Antigua for a Private Act, subject to the assent of His Majesty, to enable the registrar of the said Island, upon production to him of the said deed of the sixteenth day of September one thousand eight hundred and sixteen, to record the same pursuant to the Acts of the Colonial Legislature for that purpose, notwithstanding the time limited by the laws of the said Island had long since passed:

And whereas application was accordingly made by a memorial from the said Charles Jones Barnard to the House of Assembly of the said Island Antigua in the month of May one thousand eight hundred and twenty-eight, and a bill for the purpose prayed for passed the Council and Assembly some time in the month of January in this present year one thousand eight hundred and twenty-nine, as before stated, but the said bill did not eventually become a law for the reasons and objections herein-before mentioned:

And whereas by the laws of the said Island all persons enjoying the possession of lands, tenements, and hereditaments within the same without lawful interruption by the space of five years have a good title thereto against all other persons whatsoever:

No. 5, s. 11.
Nunc vide No. 157,
s. 42.

And whereas notices of the application intended to be made for this Act have been duly served upon such of the parties as are now living, and upon the lawful representatives of such other of the parties as are now deceased by whom any interest was conveyed to the said John Blackburn under the said deed of the sixteenth day of September one thousand eight hundred and sixteen:

And whereas by the laws of the said Island Antigua provision is made for extending the time of registration of deeds executed out of the said Island in the event of their being lost at sea or otherwise intercepted within the time limited by law, but no exception or provision is made to extend the time of registration in the event of the death or absence of the persons appointed to acknowledge the execution thereof; and forasmuch as there are no ways or means in the said law by which the registration of the aforesaid deed of the sixteenth of September one thousand eight hundred and sixteen can be effected, and the creditors and others interested under the will of the said John Blackburn in consequence thereof are remediless in the premises; and forasmuch also as the reasons and objections which operated to the rejection of the former bill are now removed: To the end, therefore, that the said John Blackburn and his heirs, or other the persons interested as aforesaid, may be secured and confirmed in their title to

the said estate and premises, according to the purport, intent, and meaning of the aforesaid deed:

We, Your Majesty's most loyal and obedient subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this Your Majesty's Island Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's Island of Antigua aforesaid, That the registrar of deeds of the said Island Antigua or his lawful deputy, or his or their successors in office, shall be and he and they is and are hereby authorized and directed, immediately after the expiration of five years from the passing of this present Act, to record the aforesaid deed of the sixteenth day of September one thousand eight hundred and sixteen, purporting to be a conveyance of the interests of the several parties therein named in and to the said sugar plantation called "The Villa," with the premises thereunto belonging, and made between the said Margaret Charlotte Stuart King therein described of the first part, the said Ann Lindsay Jarvis therein described of the second part, the said Marie Rose Goehrand Sargenton and Jean Baptiste Levilloux therein described of the third part, the said Snowden Barne, Mary Meredith, John Lindsey, William Lindsey, and Robert Lindsey, therein described of the fourth part, the said John Holmes of the fifth part, the said Ann Daniell and Elizabeth Daniell therein described of the sixth part, the said John Heyman and John Fallowfield Scott therein described of the seventh part, and the said John Blackburn of the eighth part; and that upon such registration being made the title of the said John Blackburn to the said sugar estate called "The Villa," and the premises set forth and described in the said deed, be ratified and confirmed to all intents and purposes as if the said deed had been recorded in due time according to the existing laws for that purpose.

2. Provided always, That nothing in this Act contained shall be construed to give the said John Blackburn, his heirs or assigns, or other person or persons deriving title through him, any further or better title to the said lands, tenements, hereditaments, and premises, or any of them, than he or they could have had or been entitled unto or was intended to be given if the said deed of the sixteenth day of September one thousand eight hundred and sixteen had been duly recorded within the time limited for recording deeds executed out of the said Island:

And provided also, that the representatives of the said John Blackburn shall cause an advertisement to be inserted in the "London Gazette," signed by them, requiring all persons who have or claim any beneficial interest in the said estate, in whatever right or character soever, to make good and prove such claim in the said Island of Antigua within the time limited for this Act taking effect.

3. Provided also, That nothing in this Act contained shall defeat or prejudice the rights and interests of His Majesty, His heirs and successors, or of any bodies politic or corporate, or of any person or persons, except such as are mentioned in this present Act, and those claiming by, from, or under them, or of any person or persons who may have acquired their interests by purchase for valuable consideration from all or any of the parties to the aforesaid deed under or by virtue of any conveyance executed subsequently thereto, and which shall or may be asserted or enforced within the period of five years from the passing of this present Act.

4. Provided always, That this Act shall not be in force nor have any effect or operation whatsoever until the same shall be approved and confirmed by His Majesty, and such approbation and confirmation shall have been duly notified and published.

No. 60.

AN ACT for extending the Provisions of an Act of the Parliament of the United Kingdom of Great Britain and Ireland intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," to this Colony, as far as the same may be applicable therein.

[Dated and published 18th January 1834.]

WHEREAS it is expedient that the provisions of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the tenth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," should be extended to and declared to be in force in this colony as far as the same may be applicable therein:

Preamble.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher's, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That from and after the publication of this Act it shall be lawful for any of His Majesty's subjects in this colony professing the Roman Catholic religion to hold, exercise, and enjoy all civil and military offices and places of trust and profit under His Majesty, His heirs or successors, and to exercise any other franchise or civil right, upon taking and subscribing the oath appointed and set forth in the said Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of His Majesty's subjects professing the Roman Catholic religion and that the said oath in the said Act of Parliament of the United Kingdom of Great Britain and Ireland appointed and set forth shall be administered to His Majesty's subjects in this colony professing the Roman Catholic religion for the purpose aforesaid in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by law administered in this colony.

Persons professing the Roman Catholic religion allowed to hold public offices and to enjoy civil rights on taking the oath required by the Act of the United Kingdom, 10 Geo. 4. c. 7.

2. Provided always, That nothing herein contained shall be construed to exempt any person professing the Roman Catholic religion from the necessity of taking any oath or oaths or making any declaration not in the said Act of the Parliament of the United Kingdom of Great Britain and Ireland mentioned which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

Act not to exempt Roman Catholics from taking other oaths required by persons admitted to any office.

3. That all such provisions, reservations, and restrictions contained in the said Act of the Parliament of the United Kingdom of Great Britain and Ireland as in their principle and spirit apply to the local circumstances of this colony, and are not herein specified, shall be and the same are hereby extended thereto and declared to be in full force therein.

Such parts of the Act of the United Kingdom as apply to this Island to be in force here.

No. 61.

Vide Acts Nos. 63,
65, 66, 183.

AN ACT for enabling Labourers, Artificers, and Servants to recover by summary Process their Wages from their Employers.

[Dated 21st June 1834.]

Preamble.

Recited Act repealed.

WHEREAS from the change of circumstances in this Island the provisions of an Act thereof passed on the twenty-eighth of October one thousand six hundred and eighty-four, "For enabling Artificers, Labourers, and Servants to recover "their Wages from their Masters," have been rendered inadequate to the end therein contemplated :

And whereas, from the alteration in the condition of the labouring classes in this Island about to take place, some enactment for the like purpose and effect will become highly necessary and expedient :

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's Island of Antigua aforesaid, That it shall and may be lawful for any one of His Majesty's justices of the peace in this Island, on complaint to him made on oath by any artificer, labourer, or servant therein of the withholding from any such artificer, labourer, or servant of the just wages due to him or her on any contract or agreement from any person or persons by whom he or she shall have been employed, to call before him such person refusing or neglecting to make satisfaction ; and if upon hearing and examining such person on oath it shall appear to the said justice that any such wages are due and owing, or on an adjustment of claims between the parties that any balance of wages is due or owing, such justice is hereby authorized to order the same to be paid to such artificer, labourer, or servant within ten days after order made, and if such order be not complied with, or in case of the party complained against having neglected to appear after being duly summoned by such justice, it shall be lawful for such justice to issue his warrant, directed to any constable of the division, authorizing and directing him to levy on the goods and chattels of any such person making default as aforesaid, and them to sell in satisfaction thereof and of all costs and charges : Provided always, that such complaint be made within thirty days from the time any part of such wages shall be due, and that such wages do not exceed the sum of *five* pounds current gold and silver money, any law, custom, or usage to the contrary notwithstanding.

Justice of the peace (on complaint of any artificer, labourer, or servant) empowered to decide summarily on claim for wages, provided that such claim be under 5*l*. and the complaint is made within 30 days of the wages being due.
Vide Police Magistrates Act, No. 169, s. 33.

No. 96.

No. 62.

AMENDED by No. 138. AN ACT for the Punishment of idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues, or other Vagrants in this Island.

[Dated 5th July 1834.]

Preamble.

WHEREAS it is necessary to make provision for the suppression of vagrancy, and for the punishment of idle and disorderly persons, rogues and vagabonds, incorrigible rogues, or other vagrants in this Island :

We, therefore, Your Majesty's dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat,

Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's Island of Antigua aforesaid, That every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing and neglecting [so] to do, every common prostitute wandering in the public streets or public highways or in any place of public resort, and behaving in a riotous and indecent manner, and every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage to beg or gather alms, or causing or procuring or encouraging any child or children so to do, shall be deemed an idle and disorderly person within the true intent and meaning of this Act, and it shall be lawful for any justice of the peace to commit such offender being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses, to the gaol or house of correction there, or on the public streets and highways, to be kept to hard labour for any time not exceeding one calendar month.

Who to be deemed idle and disorderly persons within this Act.

Vide Police Magistrates Act, No. 169, s. 33.

Justice of the peace empowered to commit such offender to the house of correction for one month, *mar.*

2. That any person committing any of the offences herein-before mentioned after having been convicted as an idle and disorderly person; [every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive or impose upon any person;] every person wandering abroad, and lodging in any outhouse or shed, or in any deserted or unoccupied building, or in any mill, sugar works, watch-house, trash-house, or other plantation buildings, or within any cane or provision piece, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving any good account of himself or herself; every person wilfully exposing to view in any street, road, highway, or public place any obscene print, picture, or other indecent exhibition; every person wilfully, openly, lewdly, and obscenely exposing his person in any street, public road, or highway, or in the view thereof, or in any place of public resort, with intent to insult any female or otherwise; every person wandering abroad, and endeavouring by the exposure of wounds or deformities to obtain or gather alms; every person going about as a gatherer or collector, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence; every person playing or betting in any street, road, highway, or other open and public place at or with any table or instrument of gaming at any game or pretended game of chance; every person having in his or her custody or possession any picklock, key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, store, shop, coach-house, stable, or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act; every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or outhouse, or in any enclosed yard, garden, or area for any unlawful purpose; every suspected person or reputed thief frequenting any quay or wharf or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony; and every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed a rogue and vagabond within the true intent and meaning of this Act; and it

Who to be deemed rogues and vagabonds within this Act.

No. 192, s. 111, dated 12th September, taking effect on 1st October 1863.

Justice of the peace empowered to commit all such offenders to house of correction for three months *max.*; weapons carried by offenders to be forfeited.

Who to be deemed incorrigible rogues within this Act.

Such offenders may be committed to house of correction till the next sessions, and be kept to hard labour in the meantime.

Any person may apprehend offenders against this Act.

Constable, &c. refusing or neglecting to take offenders into custody to be deemed guilty of a neglect of duty and to be punished as herein-after directed (clause 8).

Justice of the peace may issue his warrant to apprehend offenders or suspected offenders of whom he is informed on oath.

In case of any committal or appeal to the sessions, justice of the peace to bind over prosecutor and witnesses to appear and prosecute.

Court of Sessions may order prosecutor and witnesses to be

shall be lawful for any justice of the peace to commit such offender being convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses, to the gaol or house of correction, there to be kept to hard labour for any time not exceeding three calendar months, and every such picklock, key, crow, jack, bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited to His Majesty.

3. That every person breaking or escaping out of any place of legal confinement before the expiration of the term for which he or she shall have been committed or ordered to be confined by virtue of this Act, and every person committing any offence against this Act which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be and duly convicted thereof, and every person apprehended as a rogue and vagabond and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue within the true intent and meaning of this Act; and it shall be lawful for any justice of the peace to commit such offender being thereof convicted before him by the confession of such offender, or by the evidence of one or more credible witness or witnesses, to the gaol or house of correction, there to remain until the next Court of King's Bench and Grand Sessions of the Peace or other sessions of the peace, and every such offender who shall be so committed to the gaol or house of correction shall be there kept to hard labour during the period of his or her imprisonment.

4. That it shall be lawful for any person whatsoever to apprehend any person who shall be found offending against this Act and forthwith to convey him or her before some justice of the peace, to be dealt with in such manner as is herein-before directed, or to deliver him or her to any constable or peace officer to be so taken and conveyed as aforesaid; and in case any constable or other peace officer shall refuse or wilfully neglect to take such offender into his custody and to take and convey him or her before some justice of the peace, or shall not use his best endeavours to apprehend and convey before some justice of the peace any person that he shall find offending against this Act, it shall be deemed a neglect of duty in any such constable or other peace officer, and he shall on conviction be punished in such manner as is herein-after directed.

5. That it shall be lawful for any justice of the peace upon oath being made before him that any person hath committed or is suspected to have committed any offence against this Act, to issue his warrant to apprehend and bring before him or some other justice of the peace the person so charged, to be dealt with as is directed by this Act.

6. That when any justice as aforesaid shall commit any such incorrigible rogue to the gaol or house of correction, there to remain till the next Court of King's Bench and Grand Sessions of the Peace or other sessions of the peace, or when any such idle and disorderly person, rogue and vagabond, or incorrigible rogue shall give notice of his or her intention to appeal against the conviction of him or her, and shall enter into recognizance as herein-after directed to prosecute such appeal, such justice shall require the person by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to prove the offence and to support such conviction, to become bound in recognizance to His Majesty, His heirs and successors, to appear at the said Court of King's Bench and Grand Sessions of the Peace or other sessions of the peace, to give evidence against such offender touching such offence; and the said Court of King's Bench and Grand Sessions of the Peace or other sessions

of the peace is hereby authorized and empowered at the request of any person who shall have become bound in any such recognizance to order the Treasurer of the Island to pay unto such prosecutor, and unto the witness or witnesses on his or her behalf, such sum or sums of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor and such witness or witnesses respectively for the expenses he, she, or they shall have been severally put to, and for his, her, or their trouble and loss of time in and about such prosecution; which order the clerk of the Crown is hereby directed and required forthwith to make out and deliver to such prosecutor or unto such witness or witnesses, upon being paid the sum of three shillings and no more, and the said Treasurer is hereby authorized and required upon sight of such order forthwith to pay unto such prosecutor or other person or persons authorized to receive the same such money as aforesaid, and the said Treasurer shall be allowed the same in his account; and in case any such person or persons as aforesaid shall refuse to enter into such recognizance, it shall be lawful for such justice to commit such person or persons so refusing to the common gaol, there to remain until he, she, or they shall enter into such recognizance or shall be otherwise discharged by due course of law.

reimbursed their expenses.

Clerk of the Crown to make out and Treasurer to pay such order.

Fees of clerk of the Crown, 226.

In case of prosecutor and witnesses refusing to be bound over they may be committed to gaol.

7. That when any incorrigible rogue shall have been committed to the gaol or house of correction, there to remain until the next Court of King's Bench and Grand Sessions of the Peace or other sessions of the peace, it shall be lawful for the court to examine into the circumstances of the case and to order if they think fit that such offender be further imprisoned in the gaol or house of correction and there kept to hard labour for any time not exceeding one year from the time of making such order, and to order further, if they think fit, that such offender (not being a female) be punished by whipping at such time during his imprisonment and at such place as according to the nature of the offence the said court in its discretion shall deem to be expedient.

Punishment of incorrigible rogues committed to the sessions.

8. That in case any constable or other peace officer shall neglect his duty in anything required of him by this Act, or in case any person shall disturb or hinder any constable or other peace officer in the execution of this Act, or shall be aiding, abetting, or assisting therein, and shall be thereof convicted upon the oath of one or more witness or witnesses before two or more justices of the peace, every such offender shall for every such offence forfeit any sum not exceeding ten pounds and in case such offender shall not forthwith pay such sum so forfeited, the same shall be levied by distress and sale of the offender's goods by warrant from such justices, and if sufficient distress cannot be found it shall be lawful to and for one or more such justices to commit the person so offending to the gaol or house of correction, there to be kept for any time not exceeding three calendar months or until such fine be paid, and the said justices shall cause the said fine when paid to be paid over to the Treasurer of the Island, to be by him carried to the public stock.

Constables, &c. neglecting their duty, and persons hindering constables in executing this Act, to be fined 10*l.*, and in default of payment to be committed to gaol for three months *max.*

No. 96.

9. That it shall be lawful for any justice of the peace upon information on oath before him made that any person herein-before described to be an idle and disorderly person, or a rogue or vagabond, or an incorrigible rogue, is or are reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception, lodging, or entertainment of travellers, by warrant under his hand and seal to authorize any constable or other person or persons to enter at any time into such house and to apprehend and bring before him or any other justice of the peace every such idle and disorderly person, rogue and vagabond, and incorrigible rogue as shall be found therein, to be dealt with in the manner herein-before directed.

Justice of the peace may authorize by warrant constables to enter into any house for the reception of travellers where offenders are suspected of being harboured, and to apprehend such offenders.

13. That every such action shall be commenced within three calendar months after the cause of such action or complaint shall have arisen and not afterwards; and if any person or persons shall be sued for any matter or thing which he, she, or they shall have done in the execution of this Act, he, she, or they may plead the general issue and give the special matter in evidence.

All such actions to be commenced within three months after the cause of complaint.

Defendant may plead general issue and give special matter in evidence.

No. 63.

AN ACT for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen, and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen, and other Labourers.

Vide Acts Nos. 61, 63, 66, 183.

By No. 63 the provisions of this Act are extended to labourers employed in the towns of the Island.

[Dated 6th August 1835.]

WHEREAS it is expedient that the hirings of servants in husbandry, and of artificers, handicraftsmen, and other labourers employed upon estates in this colony, should be properly regulated, and that all grievances connected with such hirings should be always promptly and adequately redressed agreeably to principle of the laws which regulate the hirings of the labouring classes in the mother country:

Preamble.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That from and after the publication of this Act all complaints, differences, and disputes which shall happen or arise in this colony between masters or mistresses and servants in husbandry who shall be hired for one year or longer or for a less time than a year, or which shall happen to arise between masters or mistresses and artificers, handicraftsmen, and other labourers employed upon plantations or estates for any certain time or in any other manner, shall be heard and determined by one or more justice or justices of the peace residing in or near to the parish where such master or mistress shall inhabit, which said justice or justices is and are hereby empowered to examine upon oath any such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid, or any other witness or witnesses, touching any such complaint, difference, or dispute, and to make an order for payment of so much wages to such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid as to such justice or justices shall seem just and reasonable, with costs and damages not exceeding treble the amount of the wages which shall have been unjustifiably withheld, provided that the sum in question do not exceed *five* pounds; and in case of refusal or nonpayment of any sums so ordered to be paid within the space of three days next after such determination such justice or justices shall and may issue forth his and their warrant to levy the same by distress and sale of the goods and chattels of such master or mistress or person employing such servant in husbandry, artificer, handicraftsman, or other labourer, rendering the overplus to the owners after the payment of the charges of such distress and sale.

Neighbouring justices of the peace empowered to hear and determine complaints between masters and servants employed on estates, and to make orders for payment of wages not exceeding 5*l.*, with damages not exceeding treble the amount of wages recovered.

Vide Police Magistrates Act, No. 169, s. 33.

No. 96.

2. That it shall and may be lawful to and for such justice or justices upon application or complaint made upon oath by any master, mistress, or employer, or by his or her manager or agent, against any such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid, touching

Justice of the peace on complaint of masters may punish servants who misconduct themselves by im-

prisonment, abatement of wages, or discharge from service.

On complaint of servants against their masters justice may discharge servants from their contract of service.

Master may abate a reasonable part of wages on account of any absence of servant, subject to appeal to the justice of the peace as in clause.

Servants unreasonably absenting themselves, neglecting their duty, damaging their employer's property, or endangering it by the careless use of fire to be deemed guilty of a misdemeanor.

Meaning of words "miscarriage" and "ill-behaviour."

Questions relative to hiring of servants not regulated by local law to be decided by justices in conformity

or concerning any misdemeanor, miscarriage, or ill-behaviour in such his or her service or employment (which oath such justice or justices is and are hereby empowered to administer), to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant in husbandry, or artificer, handicraftsman, or other labourer from his or her service or employment; and in like manner also it shall and may be lawful to and for such justice or justices upon any complaint or application upon oath by any such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid against such master, mistress or employer, touching or concerning any misusage, cruelty, or other ill-treatment of, to, or towards such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid (which oath such justice or justices is and are hereby empowered to administer), to summon such master, mistress, or employer to appear before such justice or justices at a reasonable time to be prefixed in such summons, and such justice or justices shall and may examine into the matter of such complaint whether such master, mistress, or employer shall appear or not (proof being made upon oath of his or her being duly summoned), and upon proof thereof made upon oath to his or their satisfaction, to discharge such servant in husbandry, or artificer, handicraftsman, or other labourer of and from his or her said service or employment, which discharge shall be given under the hand and seal or hands and seals of such justice or justices gratis.

3. That it shall and may be lawful to and for the master, mistress, or employer of any such servant in husbandry, or artificer, handicraftsman, or other labourer, to abate a reasonable part of the wages of such servant in husbandry, or artificer, handicraftsman, or other labourer, for such days or parts of days as he or she shall be absent from his or her work or employment: Provided always, that nothing herein contained shall be construed to prevent any such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid from recovering any wages that shall be so abated or withheld on the plea or ground of absence from his or her work or employment or any part thereof, with costs and damages, in the manner and to the extent prescribed by the first clause of this Act, if the justice or justices to whom the application shall be made by the party aggrieved in the nature of an appeal shall consider such wages or any part thereof to have been unjustifiably abated or withheld.

4. That every such servant in husbandry, or artificer, handicraftsman, or other labourer so employed as aforesaid who shall absent himself or herself from the service of his or her master, mistress, or employer without a reasonable excuse, or who shall wilfully neglect or refuse to perform his or her ordinary duty or allotted work, or who shall damage the property of his or her master, mistress, or employer by any unlawful act or culpable neglect, or endanger the same by a careless or improper use of fire, or who shall ill-use any cattle or other live stock that shall be intrusted to his or her care, shall be considered to be guilty of a misdemeanor within the intent and meaning of this Act; and that the words "miscarriage" and "ill-behaviour" shall not be held or taken to embrace any acts, defaults, or delinquencies in service, but such as shall or may be clearly understood to be punishable on summary conviction under the same words when used with reference to the same class of persons in the Acts of the Imperial Parliament.

5. That upon all points or questions of law arising upon causes of discharge from service or any other incidental matters connected with hirings of servants in husbandry, and of artificers, handicraftsmen, and other labourers employed upon estates, which shall not be distinctly explained or provided for by local

enactments, the justices in this Colony shall always decide thereon to the best with the English adjudications. of their judgment agreeably to the principle and spirit of the approved adjudications that have taken place under the law of master and servant in the mother country, as far as the same shall appear to them to be justly applicable to the circumstances of any particular case :

Provided always, That if any person shall think himself or herself aggrieved by any determination, order, or warrant of any justice or justices of the peace as aforesaid (except an order of commitment), every such person may appeal to the next Court of King's Bench and Grand Sessions to be held for this colony, such person giving six days notice of his or her intention of bringing such appeal, and of the cause and matter thereof, to such justice or justices of the peace, and the parties concerned and entering into a recognizance within three days after such notice before some justice of the peace, with sufficient surety, conditioned to try such appeal at and abide the order or judgment of and pay such costs as shall be awarded by the justices at such Court of King's Bench and Grand Sessions, which said justices at their said sessions, upon due proof of such notice being given and of entering into such recognizance as aforesaid, shall and are hereby directed to proceed in, hear, and determine the causes and matters of all such appeals, and shall give relief and costs to the parties appealing or appealed against, as they in their discretion shall judge proper and reasonable, and their judgments and orders therein shall be final and conclusive to all parties concerned.

Persons aggrieved by any order of justices may appeal to the Court of Sessions.
No. 169, s. 28.

6. That all servants in husbandry, and artificers, handicraftsmen, and other labourers who shall be employed to work upon estates at a particular rate of wages, shall, in the absence of sufficient proof to the contrary, be considered as employed under a "general hiring," as contradistinguished from what is termed a "special or particular hiring" in the mother country; but such general hiring shall be determinable at any time within a twelvemonth by either master, mistress, or employer, or the servant in husbandry, or artificer, handicraftsman, or other labourer, upon giving a calendar month's notice to the other party of his or her intention to dissolve the same.

What to be a general hiring, and how determinable.

7. That the receipt of a week's wages by any such servant in husbandry, or artificer, handicraftsman, or other labourer from his or her master, mistress, or employer, or the entering into the occupation of a house or tenement situate upon the estate of such master, mistress, or employer, in the character of a servant in husbandry, or artificer, handicraftsman, or other labourer to such master, mistress, or employer, shall be sufficient *prima facie* evidence of a retainer in service under a general hiring within the terms and provisions of this Act.

What to be deemed *prima facie* evidence of a general hiring.

8. That it shall and may be lawful to and for any master, mistress, or employer of any such servant in husbandry, or artificer, handicraftsman, or other labourer so employed to work under a general hiring to abate a proportionable part of the wages of such servant in husbandry, or artificer, handicraftsman, or other labourer, for such period as he or she shall or may be absent from his or her service or employment by reason of sickness; but such master, mistress, or employer shall always provide every such servant in husbandry, artificer, handicraftsman, or other labourer so employed to work under a general hiring with proper medicine and medical attendance during such his or her sickness, under a penalty of five pounds for every offence, to be recovered on conviction on oath before any justice or justices of the peace in the same manner as is herein before prescribed for the recovery of wages, and paid into the public treasury.

Master may abate wages under general hiring on account of servant's absence from sickness.

But master is to provide medicine and medical attendance for such servants under penalty of 5*l*. for each neglect.

9. That all special or particular hirings of servants in husbandry, or of artificers, handicraftsmen, and other labourers employed upon estates shall be

Manner of entering into "special hirings."

entered into in the presence of a justice of the peace, and the terms of such hirings shall be reduced into writing and distinctly read and fully explained by such justice to such servants in husbandry, or artificers, handicraftsmen, or other labourers, and officially attested by him in proof of the free assent of such servants in husbandry, or artificers, handicraftsmen, or other labourers to the terms of such hirings after receiving such explanation of the same respectively, and no special or particular hiring shall be valid or effectual under this Act unless the same shall be entered into with such formalities and attested as aforesaid.

No person to employ any servant who is under either a general or special hiring to another master under penalty.

10. That if any person shall knowingly employ any such servant in husbandry, or artificer, handicraftsman, or other labourer, who shall be under either a general hiring or a special or particular hiring upon the estate of another person, or if any person shall continue to employ any such servant in husbandry, or artificer, handicraftsman, or other labourer so under a general hiring or a special or particular hiring upon the estate of another person, after receiving due notice of the relation in which such servant in husbandry, or artificer, handicraftsman, or other labourer stands to such other person, the person so offending shall on conviction on oath before any justice or justices of the peace forfeit for every such offence the sum of *ten* pounds, to be recovered in the same manner as is herein before prescribed for the recovery of wages, and paid into the public treasury.

No. 96.

Wages of servants, in the absence of any agreement, to be payable weekly.

11. That the wages of such servants in husbandry, and artificers, handicraftsmen, or other labourers so employed as aforesaid, shall (in the absence of a particular agreement to the contrary) be payable weekly, on some specific day of the week to be appointed by the respective masters, mistresses, or employers of such servants in husbandry, artificers, handicraftsmen, or other labourers, Sunday always excepted.

No. 64.

AN ACT to regulate the Transportation of Offenders from this Island.

[Dated 6th August 1835.]

Preamble.

WHEREAS there is no law in force in this Island for regulating the transportation of offenders from this Island, and it is therefore expedient that provision should be made for this purpose:

Persons convicted of felony with benefit of clergy or felony not punishable with death to be transported for seven years to such place as the Governor may direct, or to be imprisoned not more than two years, and in addition (if a male) to be publicly or privately whipped.

And whereas the punishments hitherto inflicted upon felons entitled to the benefit of clergy, or upon persons convicted of felony not made punishable by death, have not proved effectual to deter wicked and evil-disposed persons from being guilty of many heinous crimes: For the better prevention thereof be it enacted and ordained by the Governor and Commander-in-Chief in and over His Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this His Majesty's Island of Antigua, That if any person shall be convicted of any offence which by any law now in force in this Island is declared to be felony within the benefit of clergy or a felony not punishable by death, or which shall hereafter be in force in this Island, and shall be declared to be a felony not punishable with death, and for which no punishment hath been or may hereafter be specially provided, such offender shall be liable, at the discretion of the court before which such offender shall be convicted, to be transported to any place which the Governor and Commander-in-Chief or other person administering the

government of this Island for the time being shall be pleased to appoint, in exercise of the powers vested in him by any orders of His Majesty in council in conformity to any Act or Acts of Parliament, for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped (if the court shall so think fit) in addition to such imprisonment, and every sentence of transportation passed or to be passed on any offender by any court of competent jurisdiction, and every order for transportation made as herein-after is provided in pursuance of any such sentence, shall subject the offender to be transported accordingly.

2. And whereas by certain Acts of Parliament His Majesty is authorized to appoint the place or places within His Majesty's dominions to which any offender convicted in the colonies or plantations, and being under sentence or order of transportation, shall be sent or transported: And whereas there may be no means of transporting such convicts to any of the places appointed by His Majesty in that behalf without first carrying them to England: Be it further enacted, That when any offender shall be convicted of any felony excluded from the benefit of clergy, or of any felony punishable by death for which such offender shall be sentenced to death, and for which His Majesty or the Governor and Commander-in-Chief shall be pleased to extend the Royal mercy upon condition of transportation either for life or for any term of years, or when any offender shall be sentenced to transportation under the authority of this or any other Act, it shall in any such case be lawful for the Governor or other officer administering the government of this Island to issue an order under his hand and seal for the transportation of such offender or offenders, and to authorize and direct the provost marshal of this Island or his lawful deputy to engage and contract (subject to the approval of the Legislature) with any fit and proper person or persons, at the public expense (in the absence of any of His Majesty's ships of war by means of which such offender or offenders might be transported), to convey such offender or offenders to England in order to be sent forward to the place appointed for his or their transportation: Provided always, that the party or parties so contracting to transport the offender or offenders as aforesaid to England for the said purpose or intention shall enter into a recognizance with two or more sufficient sureties, each in the sum of one hundred pounds current money, with a condition that he or they, the party or parties contracting, shall deliver the offender or offenders or cause him or them to be delivered to the proper lawful authorities in England appointed to receive such convicts (death and casualties by sea excepted) before the expiration of ninety days from and after entering into such recognizance: Provided also, that the said party or parties shall in every case produce proper evidence of such delivery to the Governor or officer administering the government of this Island before he or they shall be entitled to receive any payment for such transportation; and provided that whenever the transportation of any such offender shall take place in any ship belonging to His Majesty such offender may be delivered on board such ship without any contract or security being required or given for the effectual transportation of such offender, and it shall be lawful for the provost marshal or his lawful deputy to incur such outlay for this purpose as may be necessary, subject to the approval before mentioned.

Method of transporting offenders.

3. That it shall be lawful for the person or persons so contracting for the transportation of any offender to secure and carry such offender to England in such manner and by such means as may be necessary for his safe conveyance; and if any person shall rescue or assist in rescuing or shall attempt to rescue any

Parties contracting for the transportation of felons may carry them to England by all necessary means. Rescuing or attempt-

ing to rescue felons under order of transportation. No. 199.

Provost marshal may furnish offenders under order of transportation with proper clothing.

The time any felon may be in gaol to be computed in the period of his sentence of transportation.

Felons serving the time of their transportation to be considered pardoned.

Felons being at large before their period of transportation expires to suffer death.

offender under sentence or order of transportation, such person being duly convicted thereof shall be guilty of felony and shall suffer death as a felon.

4. That whenever any offenders under sentence or order of transportation shall be confined in the common gaol it shall and may be lawful for the provost marshal or his lawful deputy to contract (subject likewise to the approval of the Legislature) with some person to supply such offenders with decent clothing, in the event of such offenders not being already furnished therewith; and it shall be also lawful for the said provost marshal or his lawful deputy to provide such offenders with decent and proper apparel previous to their embarkation on board ship to be conveyed to England.

5. That the time during which any offender shall continue in gaol under sentence or order of transportation as aforesaid shall be taken and reckoned in discharge or part discharge of the term of his or her transportation.

6. That when any offender shall be transported and shall have served the term of transportation according to the sentence or order in such case pronounced or made, such service shall have the effect of a pardon to all intents and purposes as for the crime for which he was so transported and shall have served as aforesaid.

7. That if any offender who shall be transported or shall have been sentenced or ordered to be transported, whether under the authority of this or any other Act, or under and by virtue of a pardon with condition of transportation, shall be afterwards at large within this Island without some lawful cause before the expiration of the term for which such offender shall be sentenced or ordered to be transported, every such offender so being at large being thereof lawfully convicted shall be guilty of felony and shall suffer death.

No. 65.

AN ACT for the better adjusting and more easy Recovery of the Wages of Artificers, Handicraftsmen, and other Labourers working under Hirings in the several Towns in this Colony, and for the better Regulation of such Artificers, Handicraftsmen, and other Labourers.

[Dated 24th August 1835.]

Preamble.
Act No. 63.

WHEREAS an Act has been recently passed by the Legislature of this Colony, intituled "An Act for the better adjusting and more easy Recovery of the " Wages of Servants in Husbandry, and of Artificers, Handicraftsmen, and " other Labourers employed upon Estates, and for the better Regulation of " such Servants, Artificers, Handicraftsmen, and other Labourers," dated the sixth day of August in the present year of our Lord one thousand eight hundred and thirty-five:

And whereas it is expedient that such of the provisions of the said Act as relate to the hirings of artificers, handicraftsmen, and other labourers employed upon estates should be extended to the hirings of persons of the same classes working in the several towns and other places in this colony:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the

authority of the same, That from and after the publication of this Act all and every the provisions and regulations contained in the said recited Act of the sixth day of August one thousand eight hundred and thirty-five which relate or are in anywise applicable to the hirings of artificers, handicraftsmen, and other labourers employed upon estates, and grievances connected with such hirings, shall extend to and be in full force and operation over all artificers, handicraftsmen, and other labourers who shall be hired to work in any of the towns and other places in this colony, and over their respective masters, mistresses, and employers.

Provisions of the Act No. 63 extended to labourers employed in towns.

2. That so much and such parts of any other Act or Acts of this colony as shall or may be repugnant to or at variance with any of the provisions of the said recited Act of the sixth day of August one thousand eight hundred and thirty-five shall be and the same is and are hereby repealed.

Repeal of any Acts repugnant to the above Act (No. 63).

No. 66.

AN ACT for better regulating Menial Servants.

[Dated 10th and published 14th September 1835.]

WHEREAS it is expedient that the hirings of menial servants should be properly regulated, and that all grievances connected with the same should be redressed in the manner prescribed by a recent Act of this Colony for the redress of grievances connected with the hirings of servants in husbandry and other labouring classes :

Preamble.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That from and after the publication of this Act all menial servants in this colony shall (in the absence of a particular agreement to the contrary,) be considered to be under a general hiring to their respective masters, mistresses, or employers, determinable by either party upon a week's notice or warning, or payment of a week's wages, as the case may be.

Menial servants in the absence of agreement to be deemed under a general hiring determinable at a week's notice.

2. That such menial servants shall have the same remedies for the redress of grievances connected with their respective hirings, and shall be liable to be dealt with and punished for any misdemeanors which they shall commit in the service of their respective masters, mistresses, or employers, in the same manner and under the same rules, regulations, reservations, and restrictions as is and are respectively mentioned and prescribed with respect to servants in husbandry and other labouring classes in and by an Act of this Colony dated the sixth day of August in the present year of our Lord one thousand eight hundred and thirty-five, intituled "An Act for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen, and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen, and other Labourers."

Menial servants to be under the same regulations as are prescribed for servants in husbandry by the Act of the 6th August 1835 (No. 63).

No. 67.

AN ACT for vesting in Trustees a certain Spot of public Land in the Parish of Saint John to secure its Use to the charitable Establishment entitled
 "The Daily Meal Society." [Dated 5th January 1836.]

Preamble.

WHEREAS the tried and increasing usefulness of "The Daily Meal Society" established in the town of Saint John renders it desirable that a certain and commodious site should be assured to it for its operations.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the President administering the Government of the Island of Antigua, and the Council and Assembly of the said Island, and it is hereby enacted and ordained by the authority of the same, That the spot or parcel of public land bounded on the north by Saint John's Street, on the south by Bishopgate Street, on the east by the road leading from Church Lane to the parsonage, and on the west by a lane leading from Saint John's Street to Bishopgate Street, and extending from east to west three hundred feet, and from north to south one hundred and twenty feet, or thereabouts, shall be and is hereby conveyed to and vested in his Honor the President of the Council, his Honor the Speaker of the House of Assembly, and the Reverend the Rector of the parish of Saint John, and their successors for the time being respectively, to have and to hold the same in trust for ever without rent or other charge for the use of the charitable establishment of Saint John's Daily Meal Society.

Piece of land described in the Act conveyed to the President of the Council, Speaker of the Assembly, and the Rector of Saint John's and their successors for the use of the Daily Meal Society, now designated the Holborn Hospital, by Act 3rd July 1856 (No. 126).

No. 68.

AN ACT for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements. [Dated 3rd January 1837.]

Preamble.
No. 14.

WHEREAS by the thirteenth clause of an Act of this Island, intituled "An Act to quiet present Possessors of Lands, to limit Actions, and avoid Suits in Law," it was among other things enacted that all actions of account and upon the case, (other than such accounts as concern the trade of merchandises between merchant and merchant, their factors or servants,) all actions of debt for arrearages of rent and all actions of debt grounded upon any trading or contract without specialty which should be brought after the date of the said Act should be commenced and sued within three years next after the day of the said Act, or within three years next after the cause of such action or suit: And whereas various questions have arisen in actions founded on simple contract as to the proof and effect of acknowledgments and promises offered in evidence for the purposes of taking cases out of the operation of the said enactment, and it is expedient to prevent such questions, and to make provision for giving effect to the said enactment and to the intention thereof: We, therefore, Your Majesty's most dutiful and loyal subjects the Lieutenant-Governor of this Your Majesty's Island of Antigua, and the Council and Assembly of the same, do pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the time appointed for this Act to commence in actions of debt or upon the case grounded upon any simple contract no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract whereby to take any case out of the operation of the said enactment, or to deprive any party of the benefit thereof, unless such acknow-

In actions on simple contracts to take the case out of the operation of the 13th clause of the Act of 28th February 1718 (No. 14) an acknowledgment in writing,

ledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor, or administrator shall lose the benefit of the said enactments or either of them, so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them: Provided always, that nothing herein contained shall alter, or take away or lessen the effect of any payment of any principal or interest made by any person whatsoever: Provided also, that in actions to be commenced against two or more such joint contractors or executors or administrators, if it shall appear at the trial or otherwise that the plaintiff though barred by the said recited Act or of this Act as to one or more of such joint contractors, or executors or administrators, shall nevertheless be entitled to recover against any other or others of the defendants by virtue of a new acknowledgment or promise or otherwise, judgment may be given and costs allowed for the plaintiff as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

2. That if any defendant or defendants in any action on any simple contract shall plead any matter in abatement to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not by reason of the said recited Act or this Act or of either of them be maintained against the other person or persons named in such plea or any of them, the issue joined on such plea shall be found against the party pleading the same.

3. That no indorsement or memorandum of any payment written or made after the time appointed for this Act to take effect upon any promissory note, bill of exchange, or other writing by or on the behalf of the party to whom such payment shall be made shall be deemed sufficient proof of such payment so as to take the case out of the operation of either the said statutes.

4. That the said recited Act and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of any defendant, either by plea, notice, or otherwise.

5. That no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

6. That no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade, or dealings of any other person to the intent or purpose that such other person may obtain credit, money, or goods upon unless such representation or assurance be made in writing signed by the party charged therewith.

7. And whereas by an Act of this Island, entitled "An Act for the Prevention of Fraud and Perjury," it is among other things enacted that from and after the expiration of three calendar months no contract for the sale of any goods, wares, and merchandises for the price of twenty pounds current gold and silver money of this Island or upwards shall be allowed to be good except the buyer shall accept part of the goods so sold and actually receive the same or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract or their agents thereunto lawfully authorized: And whereas it has been held that the said recited enactment does

or part payment must be proved.
No. 157, s. 45.

Plaintiff may recover against one or more joint contractors by means of such acknowledgment, though barred against the other or others.

When the action is barred against one or more defendants the issue on a plea of non-joinder of co-defendants shall be found for the plaintiff.

No indorsement or memorandum of payment to take the case out of the operation of the Acts.

Act No. 14 and this Act to apply to cases of debts alleged by way of set-off.

Confirmations of contracts made by infants must be in writing.

Representations as to character, &c. to be the foundation of an action must be in writing.

Provisions of Act of 23rd September 1786 (No. 29), sect. 2, extended to executory contracts.

No. 96.

Commencement of
Act.

not extend to certain executory contracts for the sale of goods which nevertheless are within the mischief thereby intended to be remedied, and it is expedient to extend the said enactments to such executory contracts: Be it enacted, That the said enactment shall extend to all contracts for the sale of goods of the value of twenty pounds current gold and silver money of this Island and upwards, notwithstanding the goods may be intended to be delivered at some future time or may not at the time of such contract be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof or rendering the same fit for delivery.

8. That this Act shall commence and take effect on the first day of March one thousand eight hundred and thirty-seven.

No. 69.

AN ACT for the Relief of Insolvent Debtors.

[Dated 22nd and published 24th April 1837.]

Preamble.

WHEREAS many persons by losses and other misfortunes are rendered incapable of paying their whole debts, and though they are willing to make the utmost satisfaction they can are nevertheless detained in prison by their creditors:

And whereas such unhappy debtors have always been deemed the proper objects of public compassion in the mother country, and by several Acts of Parliament passed in Great Britain and Ireland, and since in the United Kingdom, have been discharged:

For the relief therefore of insolvent prisoners who shall discover faithfully upon oath and deliver up and assign all their estate and effects whatsoever for the benefit of their creditors, and to prevent as far as possible any frauds and abuses which might arise to obstruct the good end and intent of this Act, we, Your Majesty's loyal and obedient subjects the Lieutenant-Governor of this Your Majesty's Island of Antigua, and the Council and Assembly of the said Island, do pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That after the passing and publication of this Act all and every person or persons who may be actually prisoner or prisoners in the common gaol of this Island in the custody of the provost marshal general, and who may be detained at the suit or suits of any particular person or persons for debt, may, upon petition to the Chief Justice or any one of the assistant justices of the Common Pleas, be brought up at such time and place as the said justice may appoint, by warrant under his hand and seal, directing and requiring the provost marshal general or keeper of the common gaol of the said Island to bring up the body or bodies of such prisoner or prisoners, with the warrant of his or her detention, together with a copy or copies of the cause or causes for which he, she, or they is or are charged, which warrant the said provost marshal general is hereby commanded to obey, and that such prisoner or prisoners coming before the said justice at such time and place as may be appointed shall in open court subscribe and deliver in a schedule of his or her whole estate, and the names of his or her several debtors and the several sums of money from them respectively secured and owing upon any special contract or other account whatsoever, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses who can prove such debts or contracts (if there be any such), and make oath and swear to the following effect; that is to say,

' I A.B. do, upon my corporal oath, in the presence of Almighty God, solemnly swear and protest and declare that I was a prisoner in the common

Prisoners for debt in the common gaol on petition to one of the justices of the Common Pleas may be brought up and shall deliver in a schedule of his estate and effects and debts.

Form of oath to be taken by such prisoners.

‘ gaol of this Island at the suit of _____ without my consent or procurement, and without any fraud or collusion whatsoever, and have been in custody and confinement at the suit or suits of the person or persons before named (unless at such time when I was out of prison by due course of law), and that the schedule now delivered and by me subscribed doth contain to the best of my knowledge, remembrance, and belief a just, true, and perfect account and discovery of all the estate, goods, and effects unto me in anywise belonging, and such debts as are to me owing, or to any person or persons in trust for me, and of all the securities and contracts whereby any money will or may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any person or persons in trust for me, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses that can prove such debts or contracts, and that neither I, nor any person or persons in trust for me, have land, money, stock, or any estate real or personal in possession, reversion, or remainder other than what are in the said schedule contained, (excepting wearing apparel, bedding for myself and family, working tools and necessary implements for my occupation and calling, and these in the whole not exceeding the value of *forty* pounds current money of the said Island,) and that I have not directly or indirectly sold, lessened, or otherwise conveyed, disposed of in trust, or concealed all or any part of my land, money, goods, chattels, stock, debts, securities, contracts, or estates real or personal, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor to whom I am indebted in anywise howsoever. No. 96.

So help me God.’

And which said schedule being so subscribed in the presence of the said justice at such time and place as shall have been appointed, is to remain in the marshal’s office in the custody of the marshal for the better information of all the creditors of such prisoners, and such estates, debts, and effects contained in such schedule as aforesaid shall immediately after the discharge of such prisoner be and are hereby vested in the provost marshal general of the said Island, who is hereby directed and authorized to make an assignment of the said estate and effects to such of the creditors of the said prisoner or their legal representatives as the major part of the said creditors or their legal representatives who shall apply for the same by any writing under their hands shall direct or appoint, in trust for themselves and the rest of the creditors; and the said assignment shall be recorded in the registrar’s office of the said Island within thirty days after the same shall have been made, which said assignee or assignees is and are hereby empowered to sue in his, her, or their own name or names for and recover and receive the same, and to give sufficient discharge or discharges to each respective debtor or debtors, to be distributed according to an Act of this Island, intituled “An Act for the more equal Distribution of Estates sold by virtue of Executions,” and after the same is recovered and received to render the overplus (if any there shall be, their own debts and charges first deducted,) to the prisoner, his executors or administrators.

Schedule to remain in custody of the provost marshal, in whom all the debtor’s estate and effects are to be vested, and who is to assign the same to assignees chosen by the creditors.

Assignees to have the management of debtor’s estate, and to distribute the same, according to the Act of 9th December 1790 (No. 32.)

2. That the said justice who shall grant such warrant or warrants for bringing such prisoner or prisoners before him at such time and place as may be appointed shall give a writing importing notice to all the creditors of such prisoner or prisoners petitioning as aforesaid, under his or their hands and seals, that he hath granted such warrant, and that the said prisoner or prisoners hath or have petitioned to be discharged, and the said notice shall be left for or served upon the person or persons, or their executors, administrators, attorneys, or agents lawfully authorized, or the same or a true copy shall be left at the dwelling house or usual place of abode of the person or persons, or with the attorney or

Justice granting the warrant to bring up any debtor to give notice to creditors.

agent last employed in the cause or causes by the plaintiff or plaintiffs at whose suit the prisoner or prisoners shall be imprisoned, and should the said creditor or creditors be off the Island and no person legally authorized to represent him, her, or them, the said notice or a true copy thereof shall be nailed upon the south gate of the court house in the town of Saint John in the said Island, which said notice shall be left with or served upon the person or persons as before directed ten days before the period appointed by the said warrant to bring up the prisoner or prisoners upon their petition or petitions as before directed; and the provost marshal general is also hereby directed to publish the said notice in each of the newspapers of the said Island for the space or time of one week; and in case it shall be proved upon oath before the said justice that the said notice was so served, left, or exhibited as aforesaid ten days before the time appointed by the said warrant for the purposes aforesaid, and that the said person so petitioning was actually so confined for debt as a prisoner, and if the said oath taken by the said prisoner be not disproved by good testimony of any credible person or persons on oath to be administered by the said justice, then the said justice, being satisfied therewith, by order under his hand and seal shall command the provost marshal general or keeper of the common gaol forthwith to set at liberty such prisoner, which order shall be a sufficient discharge to the said provost marshal general or keeper of the common gaol and indemnify him or them against any escape or escapes or action or actions whatsoever which shall or may be brought, commenced, or prosecuted against him or them by reason thereof: Provided always, that upon the nonperformance of any of the clauses and conditions of this Act by the prisoner or prisoners so brought up as aforesaid in any respect whatsoever, the said justice shall remand to the common gaol such prisoner or prisoners, there to remain until he shall be able or willing to comply with all the said conditions within contained.

On proof of the service of such notice and that prisoner was actually confined, and his oath not being disproved, prisoner may be set at liberty.

On non-compliance with this Act prisoner may be remanded.

Prisoner taking the oath falsely, besides the penalties of perjury to be deprived of the benefit of this Act.

Justice of the Common Pleas or provost marshal, if sued for anything done in pursuance of this Act, may plead general issue and give this Act in evidence.

Plaintiff failing in the action to pay treble costs.

Act not to discharge any person jointly bound with the prisoner.

Notwithstanding discharge judgments to remain in force against the property of the prisoner.

3. That if any such prisoner shall forswear or perjure himself in any of the matters aforesaid, and shall be thereof legally convicted of wilful perjury, he or she shall, over and above the penalties now in force against persons convicted of wilful perjury, be rendered incapable of receiving any benefit of his or her discharge, and liable to pay his or her debts, as if this Act had not been made.

4. That if any action of escape or any action or suit be brought against any justice of the said Court of Common Pleas, provost marshal general, or deputy provost marshal general, or keeper of the common gaol for performing their office in pursuance of this Act, they may plead the general issue and give this Act and the special matter in evidence; and if the plaintiff be nonsuited or discontinue his action, or verdict pass against him, or judgment upon demurrer, the defendant shall have treble costs: Provided always, that the discharge of any person by virtue of this Act shall not acquit any other person jointly bound or indebted with him or her from any debt, sum or sums of money, or any part thereof, but that all others so jointly bound and indebted shall be answerable for the same in such manner as they were before the passing of this Act.

5. Provided always, That notwithstanding the discharge of the person of such prisoner as aforesaid all and every judgment or judgments had and taken, decree obtained against him or her shall stand and be good and effectual in the law to all intents and purposes against the lands, tenements, and hereditaments, goods and chattels only of the said prisoner so discharged as aforesaid; and it shall and may be lawful to and for such creditor or creditors of such prisoner or prisoners so discharged as aforesaid, his or their administrators or executors, to take out a new execution against the lands, tenements, hereditaments, goods, and chattels of such prisoner or prisoners (his or their wearing apparel, bedding

for his or their families, and working tools and implements necessary for his or their occupation, and not exceeding the value of forty pounds of like money only excepted,) for the satisfaction of his or their debts in such manner and form as he, she, or they might have done if the person or persons of such prisoner or prisoners had never been taken in execution, any Act, statute, law, or custom to the contrary in anywise notwithstanding: Provided also, that it shall and may be lawful for any person discharged by this Act, if any Scire facias or action of debt shall be brought against him or her upon any judgment obtained against him or her, or statute or recognizance acknowledged by him or her, to plead generally in discharge of his or her person or persons from execution that he or she was actually a prisoner in the said common gaol at such a person's suit and duly discharged according to this Act (as his or her case is), without pleading any matter specially; and in case any other action or suit shall be commenced against him or her for any other debt, sum, or sums of money due before such release, to plead in discharge of his or her person from execution that such debt or sum of money (as the case shall happen) was contracted or due before such release as aforesaid, and further generally that he or she was actually a prisoner and duly discharged in the manner above directed, without pleading any other matter specially; whereto the plaintiff shall or may reply that such defendant was not actually a prisoner so released as aforesaid, or any other matter or thing which may show the said defendant not to be entitled to the benefit of this Act, or not duly discharged according to it, in the same manner as the plaintiff might have replied in case the defendant had pleaded this Act and his discharge by virtue of this Act specially; and if the plaintiff be nonsuited or discontinue his action, or verdict pass against him, or judgment on demurrer, the defendant to have treble costs:

Debtor sued by Scire facias or action of debt may plead his discharge under this Act.

Plaintiff may reply as if defendant had pleaded specially.

Failing in his action plaintiff to pay treble costs.

Provided always, that this Act shall not extend to discharge any person out of prison who shall be proved to have fled from his bail or to have committed any act of fraud whatsoever, or shall stand charged with any debt to His Majesty, unless by the consent of every such creditor at whose suit he or she shall stand charged as aforesaid.

Act not to apply to persons who have fled their bail, committed fraud, or are indebted to the Crown.

No. 70.

AN ACT to prevent vexatious Replevins.

[Dated 22nd, published 24th April 1837.]

WHEREAS replevins of distresses taken for rent are frequently made for vexatious purposes, and it is expedient to prevent the same: We, therefore, Your Majesty's most dutiful and loyal subjects the Lieutenant-Governor of this Your Majesty's Island Antigua and the Council and Assembly of the same, do pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority aforesaid, That from and after the passing and publication of this Act the provost marshal or his deputy, or other officer having authority to grant replevins, may and shall in every replevin of a distress for rent take in his own name from the plaintiff and two responsible persons as sureties a bond in double of the value of the goods distrained, (such value to be ascertained by the oath of one or more credible witness or witnesses not interested in the goods or distress, which oath the person granting such replevin is hereby authorized and required to administer,) and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels distrained in case a return shall be awarded before any deliverance be made of the distress, and that such provost

Preamble.

In cases of replevin, provost marshal to take a bond with security from plaintiff for the due prosecution of the suit, and for returning the goods if so awarded.

Marshal to assign security to the avowant who may sue thereon in his own name.

marshal, deputy, or other officer as aforesaid taking any bond shall, at the request and cost of the avowant or person making cognizance, assign such bond to the avowant or person aforesaid by indorsing the same and attesting it under his hand and seal in the presence of one credible witness; and if the bond so taken and assigned be forfeited, the avowant or person making such cognizance may bring an action and recover thereupon in his own name, and the court where such action may be brought may, by a rule of the same court, give such relief to the parties upon such bond as may be agreeable to justice and reason, and such rule shall have the nature and effect of a defeasance to such bond.

No. 71.

AN ACT to prevent a Failure of Justice by reason of Variances between Records and Writings produced in Evidence in support thereof.

[Dated 5th May 1837.]

9 Geo. 4. c. 15; vide Acts No. 135, ss. 1, 2, 3; No. 157, s. 26.

WHEREAS great expense is often incurred and delay or failure of justice takes place at trials by reason of variances between writings produced in evidence and the recital or setting forth thereof upon the record on which the trial is had, in matters not material to the merits of the case, and such record cannot now in any case be amended at the trial, and in some cases cannot be amended at any time:

In cases of variances appearing at any trial between the evidence of any writings and the recital of them in the record the court or judge sitting at oyer and terminer may order record to be amended.

For remedy thereof, we, therefore, Your Majesty's most dutiful and loyal subjects the Lieutenant-Governor of this Your Majesty's Island of Antigua, and the Council and Assembly of the said Island, humbly pray Your most Excellent Majesty that it may be enacted and ordained, and it is hereby enacted and ordained by the authority of the same, That it shall and may be lawful for every court of record holding plea in civil actions, any judge sitting at any court of oyer and terminer and general gaol delivery in this Island Antigua, if such court or judge shall see fit so to do, to cause the record on which any trial may be pending before any such judge or court in any civil action, or in any indictment or information for any misdemeanor, when any variance shall appear between any matter in writing or in print produced in evidence and the recital or setting forth thereof upon the record whereon the trial is pending, to be forthwith amended in such particular by some officer of the court on payment of such costs (if any) to the other party as such judge or court shall think reasonable, and thereupon the trial shall proceed as if no such variance had appeared.

No. 72.

AN ACT for the preservation of the Harbour of Saint John, to prevent abuses in the Inland Trade and Navigation thereof, and for appointing an Harbour-master for the said Port, and to explain and regulate the Duty of the said Harbour-master, and to fix a remuneration for the Performance of the same.

[Dated 18th, published 20th November 1839; Left to its operation by Order in Council dated 5th March 1840.]

Preamble.

WHEREAS all the Acts heretofore in existence for the regulation and preservation of the harbour of Saint John have expired:

We, therefore, Your Majesty's dutiful, loyal, and obedient subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of

Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of Your Majesty's Island of Antigua aforesaid, That from and after the publication of this Act if any master or commander of any ship or vessel shall throw out of his or their vessel or vessels any sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind, or shall cause any of the said articles to be thrown into any part of the harbour of Saint John, including the cove, or if any other person or persons whosoever shall throw or cause to be thrown any of the articles aforesaid into the said harbour or cove of Saint John, he, she, or they so offending shall be subject to and pay a fine of *ten* pounds No. 96. current gold and silver money upon conviction thereof before any one of Her Majesty's justices of the peace for the said Island.

No sand, shingle, or other ship's ballast to be thrown from vessel into harbour of Saint John or Cove.

2. That from and after the publication of this Act all masters or commanders of any ship or vessel within the harbour or cove of Saint John who shall have occasion to deposit any sand, shingle, ballast, stone, gravel, coals, bricks, tiles, or loose earth of any kind, shall land the same on the east part of Rat Island at the distance of at least twenty feet from high-water mark, unless he prefers the landing thereof at any other beach for the convenience and accommodation of any person or persons resident in the Island, in which case he shall also land the same at the distance of at least twenty feet from high-water mark unless he shall land the same at any regular built public or private wharf; and if any person or persons not master or masters, commander or commanders of any ship or vessel shall carry either of the heretofore recited articles from one part of the said harbour to any other part of the said harbour, and in so doing shall infringe the foregoing regulations hereby enjoined upon the masters and commanders of vessels, he, she, or they shall like them be subject to and pay a fine of *ten* pounds current gold and silver money, to be recovered upon conviction before any one of Her Majesty's justices for said Island.

Ship's ballast where to be discharged and under what restrictions.

3. That any sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind that shall be landed from any vessel or vessels upon any regular built wharf or wharves, public or private, shall not be permitted to remain longer than ten days at the head of such wharf or wharves, and if the same be not removed within the space of the said ten days from the head of such wharf or wharves at least twelve feet the owner or possessor of such wharf or wharves shall be subject to and incur a fine of *ten* pounds current gold and silver money, and the like fine or penalty for every ten days he, she, or they shall suffer the same to remain unremoved, according to the true intent and meaning of this Act, and such fine or fines shall be recovered upon conviction thereof before any one or more of Her Majesty's justices for said Island.

Ship's ballast, &c. if landed on a regular wharf to be removed within 10 days at least 12 feet from the head of the wharf.

4. That if after any sand, shingle, ballast, stones, gravel, coals, bricks, tiles, or loose earth of any kind shall have been landed at Rat Island the whole or any part of the said herein recited articles shall be stolen or taken away, or if any part of the causeway of Rat Island, or any stones or earth appertaining to and constituting a part of the island called Rat Island, or any land adjoining the sea within the said harbour of Saint John, shall be stolen or taken away by any person or persons whatsoever, he, she, or they so offending by taking away any part or parcel thereof shall be subject to and incur a fine or penalty of *twenty* pounds current gold and silver money, to be recovered upon conviction thereof before any one or more of Her Majesty's justices for the said Island, which said fine or penalty shall be paid to the Treasurer for public uses.

No ballast, &c. deposited at Rat Island to be removed therefrom, nor any part of the causeway of Rat Island to be taken away.

Offender liable to penalty to be paid to Treasurer for public uses.

No dead bodies, &c. to be thrown into harbour of St. John or cove.

Offenders to remove the same within three hours to the distance of half a mile west of Fort James under penalty ;

and a further penalty for every hour the nuisance shall remain after the expiration of three hours.

No hulks or stages for heaving out and cleaning bottoms of vessels to be kept in the harbour of Saint John.

If any vessel sink within said port, harbour, or cove, harbour-master to take a note of the time of first discovering the same and give notice in writing to owner, with copy of clause of this Act requiring him to remove the same within 30 days.

In default thereof, harbour-master within 3 days after expiration of 30 days to give information to justice of peace.

Offender to be held to bail for appearance at Sessions.

Recognizance to be returned into Secretary's office.

Secretary to cause indictment to be prepared and to issue subpoenas for the attendance of witnesses at Sessions.

Offenders on conviction to be fined.

In default of payment three months imprisonment.

5. That no dead bodies nor carcases of any kind, nor any other matter or thing whatsoever that is likely to become a nuisance, shall be permitted to be thrown into the said harbour or cove, and any person or persons throwing dead bodies or any other matter or thing that is likely to become a nuisance, or that shall cause any dead bodies or anything likely to become a nuisance to be thrown into the said harbour or cove, and shall suffer it to remain there three hours without having the same removed without the harbour or cove at least one half mile due west of Fort James, shall be subject to and incur a penalty or fine of *ten* pounds current gold and silver money ; and for every hour such carcase, matter, or thing that may create a nuisance shall remain after the expiration of three hours he, she, or they shall pay at and after the rate of *nine shillings per* hour over and above the original fine for every hour such offensive carcase, matter, or thing shall remain within the said harbour or cove, and such fine or fines shall be recovered upon conviction before any one of Her Majesty's justices for said Island.

6. That no hulk or hulks, nor any stage or stages shall be kept in the harbour of Saint John for the purpose of heaving out and cleaning out the bottoms of any vessel or vessels of any size or description, and any person or persons keeping a hulk or hulks, stage or stages, for that purpose shall be subject to and incur a penalty of not less than *twenty* pounds nor more than *fifty* pounds current gold and silver money, which said fine shall be recovered upon conviction before any one of Her Majesty's justices for said Island.

7. That from and after the publication of this Act, if any vessel or vessels shall sink within the said port, harbour, or cove of Saint John the harbour-master shall make a minute of the time he first discovered such sunken vessel or vessels, and he shall immediately give information thereof to the owner or owners of such sunken vessel or vessels in writing, with a copy of the clause of the Act requiring him or them to remove the same within the space of thirty days, exclusive of the day of the date of such written notice ; and if after the expiration of the said thirty days the vessel or vessels so sunken shall not be weighed and the nuisance removed, then and in such case the said harbour-master is hereby enjoined and required within three days after the expiration of the said term of thirty days to exhibit a complaint or information upon oath thereof in writing to any one of Her Majesty's justices of the peace for said Island, who shall issue his warrant and cause the said offender or offenders to come before him and enter into a recognizance, with two sufficient sureties, himself in the sum of *two hundred* pounds and each security in the sum of *one hundred* pounds current gold and silver money, conditioned for the appearance of such offender or offenders at the first Court of Queen's Bench and Grand Sessions to be held for this Island, then and there to answer for the said offence, and the said justice shall forthwith return such recognizance into the office of the Secretary of this Island or his lawful deputy, who shall take care to cause an indictment or information for the said offence to be prepared at the next Court of Queen's Bench and Grand Sessions to be held for said Island, and also issue such writ or writs of subpoena for compelling the appearance of any witness or witnesses at the said Court of Queen's Bench and Grand Sessions for proving the said indictment or information as the said harbour-master may require ; and if the defendant or defendants to such indictment or information shall be convicted of the offence thereby charged he, she, or they shall be fined in any sum not exceeding *two hundred* pounds and not less than *one hundred* pounds current gold and silver money, at the discretion of the said court, and in default of payment of the said fine shall be immediately committed to the common gaol of this Island, there to remain without bail or mainprise for the

space of three calendar months, or until the said fine and the fees accruing in consequence thereof shall be paid and discharged.

8. And whereas it is of importance to the welfare and regulation of the colony in general, and to the preservation of the harbour and cove of Saint John in particular, that some respectable person thoroughly acquainted with maritime affairs and otherwise well qualified to take charge of the port, harbour, and cove of Saint John should be appointed for that purpose: Be it enacted, That from and after the publication of this Act it may be lawful to and for the Governor-in-Chief, the Lieutenant-Governor, or the President of this Island being in chief command in this Island at the time, to name and appoint any such respectable inhabitant so qualified to fill the station of harbour-master and from time to time to remove such person so to be appointed harbour-master and to appoint another under the qualifications herein mentioned in his stead; and the person who shall be appointed harbour-master shall not be deemed qualified to execute the office until he has been duly sworn before the Governor-in-Chief, the Lieutenant-Governor, or President and Council in the following words:

‘ I *A.B.* do solemnly swear on the holy evangelists of Almighty God that I will truly serve our Sovereign Lady the Queen and the inhabitants of this Island, and all Her Majesty’s subjects trading to the port or harbour of Saint John so far as respects my office of harbour-master of the said port, and so long as I shall continue to hold the office, to the best of my skill and knowledge; and that I will from time to time examine the said harbour and take cognizance of all wrecks, vessels, dead bodies, or other substances likely to create a nuisance, and of all ballast or rubbish of any kind that may be thrown into or sunk in the said harbour, and make report thereof to some one or other of Her Majesty’s justices of this Island within forty-eight hours after discovery thereof, without fear or affection, malice, ill-will, or resentment to any, and that I will justly and faithfully execute, perform, and carry into effect the several duties imposed upon me in my capacity of harbour-master by the respective Acts of the Legislature of this Island in as far forth as lays in my power.’

9. That the said harbour-master shall not be deemed qualified to execute the said office until he shall first give a bond with two sureties to our Sovereign Lady the Queen, Her heirs and successors, wherein he himself shall become bound in the penal sum of *three hundred* pounds gold and silver money of said Island, and each of his securities in the penal sum of *one hundred and fifty* pounds like money, conditioned for the just and faithful administration of and diligence in the said office, which bond shall be recorded in the Secretary’s office of this Island; and the Secretary or his lawful deputy shall be hereby authorized and required to prepare and take the said bond, for which and for recording and giving a certificate thereof *he shall be entitled to and receive out of the public treasury of this Island the sum of two pounds and five shillings current money* and no more; and the said bond in case of any breach in the condition thereof shall be sued for by order of the Governor or Commander-in-Chief, Lieutenant-Governor, or President, and Council and Assembly of this Island, and the moneys which shall be recovered thereon shall be paid into the hands of the Treasurer to be applied to public use; and the said harbour-master so appointed under this Act shall be obliged to produce within three days after entering into the bond aforesaid a certificate under the hand of the Secretary of the said Island or his lawful deputy that such bonds and securities hereby described have been entered into and lodged in the hands of the Treasurer for the time being; and all and every of Her Majesty’s justices are hereby enjoined and directed upon information of any neglect of duty in the said harbour-master to lay such information within a reasonable time before the Governor or Commander-in-Chief, Lieutenant-

Governor or officer in chief command to appoint harbour-master [or deputy, No. 103].

Qualifications.

Oath of harbour-master.

Harbour-master to give bond.

Bond to be recorded in Secretary’s office. Secretary to prepare and take bond. Fee abolished. Vide No. 226.

Bond may be put in suit by order of Governor, &c. Moneys recovered thereon to be paid to Treasurer for public uses. Harbour-master to produce certificate of Secretary of bond having been executed and lodged with Treasurer. Justices upon information of neglect of duty of said harbour-master to lay the same before the Governor.

and Council and Assembly.

Harbour-master liable to pay damages and double costs for any injury done to others, &c.

Amount so recovered to enure to person damnified.

Harbour-master's salary.

No. 163.

Governor or President, and Council and Assembly of this Island, that such neglect of duty may be properly punished and the bond put in suit agreeably to the intention of this Act.

10. That in case the said harbour-master shall at any time do or perform anything in his said office to the prejudice of any person or persons whatsoever he shall for such offence pay damages and double costs on due proof made, to be recovered in any court of record in this Island by bill, plaint, action, or information, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed, and all such recoveries shall be and enure to the use of the person or persons damnified and not otherwise.

11. That the said harbour-master shall be paid the sum of *one hundred* pounds currency a year, and so in proportion for less than a year, as for his salary, out of the public treasury of this Island, and the Treasurer or his lawful deputy is hereby authorized and directed to pay such salary by even half-yearly payments.

12. That from and immediately after the passing of this Act it shall and may be lawful for the harbour-master of the said port and he is hereby authorized and empowered to require and exact from the masters of all vessels trading to the port of Saint John immediately upon their coming to an entry (save and except all free port vessels and droghers of this Island actually engaged in the business of droghing) the following rates, according to their respective tonnage by register of such vessel, and which said rates shall be to the said harbour-master in full compensation for all services to be by him rendered, including hire of men and boats, over and above the sum already declared by this Act to be paid to him out of the public treasury of this Island; *viz.*,

For vessels of thirty tons and under fifty, the sum of four shillings sterling:

Of fifty and under eighty, the sum of six shillings sterling:

Of eighty and under one hundred, the sum of eight shillings sterling:

Of one hundred and under one hundred and twenty, the sum of twelve shillings sterling:

Of one hundred and twenty and under one hundred and fifty, the sum of sixteen shillings sterling:

Of one hundred and fifty and under two hundred, the sum of one pound sterling:

Of two hundred and under two hundred and fifty, the sum of one pound four shillings sterling:

Of two hundred and fifty and under three hundred, the sum of one pound eight shillings sterling:

Of three hundred and upwards, the sum of one pound twelve shillings sterling.

13. That upon refusal of payment by any master or commander of any vessel, and upon complaint made upon oath by the said harbour-master to a magistrate of such refusal and declaratory of his having duly boarded the said vessel and exhibited to the said master or commander a printed copy of the authority under which he is empowered to demand such remuneration, as also of his having furnished him with a printed copy of the regulations of the said port of Saint John conformably to the provisions of this Act, it shall and may be lawful for such magistrate to summon before him the party so refusing, and upon his still persisting in such refusal to commit him to the common gaol, there to remain without bail or mainprize until such fees be paid, with all costs and charges attendant thereon.

14. That the harbour-master for the time being is on no account to exact or receive more from any master or commander of any vessel than he is by this Act empowered to demand, and if he shall in this respect infringe either directly

Rates of tonnage to be taken by harbour-master, being in full payment for his trouble and all expenses over and above his salary.

Masters of vessels refusing to pay the above rates may be summoned before a magistrate.

And if persisting in refusing payment may be committed to common gaol until payment made.

Harbour-master not to exact or receive more than by this Act empowered under for-

or indirectly, upon proof given on oath of such infringement before a magistrate, it shall not only work a forfeiture of his appointment, but he shall be for ever after rendered incapable of serving in the said capacity, and the magistrate before whom such proof on oath is adduced is hereby required to transmit the same immediately to his Excellency the Governor or the Commander-in-Chief for the time being, in order that the situation may be again filled with the least possible delay.

15. That such harbour-master legally appointed under this Act shall have and he is hereby invested with full power and authority to inspect and take cognizance of any abuse committed in violation of this or any other Act of the Legislature for regulating the port, harbour, or cove of Saint John; and he is hereby required to visit all ships and vessels having sand, shingle, ballast, stones, bricks, coals, tiles, or loose earth of any kind, and to inspect and oversee the landing thereof, and he shall order and direct the same to be landed agreeably to the Act; he shall also visit all and every vessel trading to and from the port of Saint John and regulate their moorings, and take care that they bring up in such manner as shall be least detrimental to the safe navigation of the vessels coming into or going out of the said harbour of Saint John; and the said harbour-master shall after the vessel or vessels have been at anchor twenty-four hours order and direct that no booms be kept rigged out at length that may impede the navigation of the said harbour, and he shall take cognizance of and prevent the mooring of any boats, rafts, stages, or spars under the sterns of vessels lying in the harbour, except at the time when such boats, rafts, or stages are employed in the unloading, repairing, or other necessary services of the ship or vessel to which they are moored; and if the master or commander of any ship or vessel shall in anywise refuse or neglect to comply with the provisions of this clause after being thereto required by the said harbour-master, such master or commander so refusing or neglecting shall forfeit and pay a fine of *ten pounds* current gold and silver money, to be recovered upon conviction before any one of Her Majesty's justices of said Island.

16. And whereas many persons hold lots of land by the seaside, either by inheritance or purchase, the original grants of which were obtained for land at the time covered with water and forming a part of the harbour of Saint John, upon condition of their extending their wharves and improving them by the erection of a regular head thereto, but which the present owners or possessors have suffered to run to decay, whereby the loose earth and stones that had heretofore been collected and applied for the purpose of filling in such wharf have been washed away and carried into the sea by heavy rains and the prevalence of ground swells, which has considerably diminished the depth of water in the said harbour or port of Saint John, to the great detriment of the trade and navigation thereof: Be it therefore enacted, That the harbour-master of the said port of Saint John shall from time to time diligently view and examine the several wharves adjoining the water or sea of the said harbour of Saint John, and if he shall find any of such wharves in a decayed or improper state so as that damage is likely to arise to the said harbour he shall forthwith give notice in writing to the proprietor or occupier of such wharf to repair or sufficiently amend the same within the space of six months next after the delivery of such notice; and if such wharf is not duly repaired within the time aforesaid the said harbour-master is hereby strictly enjoined and required, within ten days after the expiration of the said term of six months, to exhibit a complaint or information upon oath thereof in writing to any one of Her Majesty's justices of the peace for said Island, who shall cause the said offender or offenders to appear before him and enter into a recognizance with two sufficient securities, himself in the sum of one

feiture of office and incapability of serving again in said office.

Duties enjoined on harbour-master.

Masters of vessels refusing to comply with provisions of this Act liable to a fine.

Harbour-master to inspect state and condition of wharves.

To require owners thereof to repair within six months. In default thereof within ten days after expiration of six months to exhibit complaint on oath to any justice of the peace, who shall hold party to bail for appearance at next Court

of Queen's Bench.
No. 145. s. 2.

Recognizance to be
lodged with Secretary.
Secretary to cause in-
dictment to be pre-
ferred, &c. and to issue
writs of subpoena for
attendance of wit-
nesses at court.
Fine on conviction.

In default of payment
three months im-
prisonment.

Court may suspend
penalty for six months
under certain circum-
stances to give time
for repairs.

Harbour-master to
report sufficiency of
repairs.

Unrepaired or un-
claimed wharves may
be sold by provost
marshal.

Proceeds to be
lodged in treasury.

Purchasers to com-
plete repairs in six
months or suffer
forfeiture.

Masters of vessels at
anchor in port or har-
bour to keep a buoy
attached to each an-
chor out with certain
length of rope.

hundred pounds and each security in the sum of *fifty pounds*, conditioned for the appearance of such offender or offenders at the next Court of Queen's Bench and Grand Sessions to be holden for this Island, then and there to answer for the said offence, and shall forthwith return such recognizance into the office of the Secretary of this Island or his lawful deputy, who shall take care to cause an indictment or information for the said offence to be preferred at the next Court of Queen's Bench and Grand Sessions holden for this Island, and also to issue such writ and writs of subpoena for compelling the appearance of any witness or witnesses at the said Court of Queen's Bench and Grand Sessions for proving the said indictment or information, as the said harbour-master may require; and if the defendant or defendants to such indictment or information shall be convicted of the offence thereby charged he, she, or they shall be fined in any sum not exceeding *one hundred pounds* nor less than *fifty pounds*, at the discretion of the said court, and in default of payment of the said fine shall be immediately committed to the common gaol of this Island, there to remain without bail or mainprize for the space of three calendar months or until the said fine and the fees accruing in consequence shall be fully paid and discharged: Provided always, that in all cases of conviction where it shall appear to the Court of Queen's Bench and Grand Sessions that the damage to the wharf or wharves in the said town of Saint John shall have occurred in consequence of any calamity or accident which human foresight could not prevent, and materials for such repairs could not be provided or were of such a price as to preclude the possibility of purchase for such a purpose, the judges of the said Court of Queen's Bench and Grand Sessions are hereby authorized and empowered to suspend the operation of such penalty as the law imposes for six months, and which shall altogether be done away if such wharf or wharves is or are repaired within the space or time of six months after such suspension, but no person or persons shall be entitled to such favour or indulgence who shall not have made out a reasonable and satisfactory cause entitling him, her, or them thereto, supported by affidavit, otherwise such penalty to be recovered as if no suspension had taken place; and the harbour-master is required to report thereof as to the sufficiency of such repairs required to be performed to the sitting magistrate for the week immediately after the expiration of the said six calendar months.

17. And whereas certain wharves in the town of Saint John have been suffered to go to decay, to the great detriment of the harbour thereof, and the proprietors of the same or the representatives of such proprietors have it not in their power to expend such sum of money as will be sufficient for the proper repair of such wharf, and in some instances proprietors cannot be found or are not represented: In such case be it enacted, That the provost marshal or his lawful deputy shall be authorized upon representation of the harbour-master to advertise and sell such wharf in the same manner as is directed as it regards waste lands in the town of Saint John, and the proceeds of such sale to be lodged in the treasury of the Island, after deducting the cost and expenses attending such sale, and to be disposed of in like manner as moneys arising from the sale of waste lands in the town of Saint John: Provided, in all cases, that the purchasers of such wharves be required to commence and set about placing such wharf into complete repair and to be accomplished within the space of six months, or otherwise the same is hereby declared forfeited and to be re-sold by the said provost marshal.

18. That the commanders of all vessels lying at aneohor in any of the ports or harbours of this Island shall and are hereby required to keep a buoy constantly fixed to each anchor they have out of the length of one fathom of rope exceeding the depth of the water in which the anchor shall be dropped, under pain of for-

feiting *five pounds* for each neglect, to be recovered in a summary way before one or more justices of the peace of this Island on complaint made upon oath.

19. That all fines, fees, or moneys imposed and levied by virtue of this Act, and not particularly specified how to be levied and recovered, shall be levied and recovered, if not exceeding *ten pounds*, by warrant from under the hand and seal of any one of Her Majesty's justices of the peace, directed to any constable, for distress and sale of the offender's goods; and for want of goods whereon to levy the offender or offenders may be committed to the common gaol, there to remain until the said fine or fines shall be paid, together with all costs attending the commitment and discharge; and all fines and sums awarded to be paid above *ten pounds* shall be levied by warrant under the hands and seals of two or more justices of the peace directed to the provost marshal or his lawful deputy for distress and sale of the offender's goods, and for want of such goods to be committed to the common gaol, there to remain until the fine or sum or sums so awarded, together with the gaol fees, are fully paid; and all monies arising from fines laid and imposed by this Act and not already herein-before otherwise disposed of shall go and enure, the one half to the informer (who shall be a competent witness) and the other half to the public treasury of this Island, to be disposed of and applied to public purposes: Provided always, that if any person shall think himself or herself aggrieved by the determination of any one or more of Her Majesty's justices out of sessions, such person may have a re-hearing of his or her case before the justices at sessions on giving security for his or her appearance to prosecute such re-hearing or appeal; and if such re-hearing shall appear before the justices at sessions to be sued upon frivolous or trifling grounds he or she so appealing shall be fined at the discretion of the justices in any sum not exceeding double the fine before inflicted on the appellant, and such appellant shall also pay double costs and treble damages to the party against whom such frivolous or vexatious appeal shall have been brought.

20. And whereas it frequently happens that vessels in turning up the harbour through carelessness or mismanagement run on board vessels properly moored, by which damage ensues: And whereas it is often if not always attended with inconvenience to transient persons and subjects them to a difficulty almost amounting to a bar against redress, especially when the damage done is not very great, to await the common course of law for indemnification: Now be it enacted, That from and after the passing of this Act it shall and may be lawful for the party so injured to apply to any two or more of Her Majesty's justices of the peace for the said Island, who are hereby authorized and required on such application to take cognizance of the same and to settle and award any damage proved to have been sustained under such circumstances, provided the same shall not exceed the sum of *ten pounds*; and upon refusal of the party to pay the sum awarded by the said justices it shall and may be lawful for the said justices to commit the party so refusing to pay to the common gaol, there to abide without bail or mainprise until the same, together with all charges and expenses attending such commitment, shall be fully discharged, and in all cases wherever the damage sustained shall exceed the sum of *ten pounds* the party injured may apply for redress to a court merchant.

21. That if any justice or justices of this Island shall upon complaint being made by any person or persons of the violation of any part of this Act neglect or refuse to take cognizance thereof, he or they shall forfeit and pay any sum not exceeding the sum of *twenty pounds* current gold and silver money of said Island, to be recovered in any court of record in this Island by bill, plaint, action, or information, wherein full costs shall be recovered by the complainant or informer, and such complainant or informer shall pay costs if he become

Fines imposed under this Act how recoverable and how disposable.

Parties aggrieved may appeal to Court of Sessions.

Frivolous appeals how to be dealt with.

Damages sustained by vessels properly moored through carelessness by other vessels how recoverable.

Court merchant since abolished.

Justice of peace refusing to take cognizance of any breach of this Act liable to forfeiture.

Informer nonsuited or discontinuing suit, or

if judgment go against him, to pay costs, &c.

Proprietors or possessors of water lots adjoining sea or harbour of Saint John to pile in the whole breadth of said lot within six months.

In default of which harbour-master to lodge information with two or more justices of peace, who may impose fine;

and further fine for each month during period of neglect.

Harbour-master to visit vessels on arrival and report to Governor.

This Act to be deemed a Public Act.

nonsuit or discontinue his suit, or if judgment go against him on verdict, demurrer, or otherwise, and herein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

22. That every proprietor or possessor of a water lot adjoining to the sea or harbour of Saint John within the said town of Saint John, that is, from the south-east part of the said harbour to the north-east part thereof, and from the north-east part thereof to the westernmost wharf on the north side of the said harbour, and from the westernmost wharf on the north side of the said harbour to the causeway at Rat Island, shall within the space of six calendar months from and after the passing of this Act be obliged to pile in, in a regular and workmanlike manner, the whole breadth of such water lot with proper materials to prevent the water in heavy ground swells from washing the loose earth and stones into the said harbour, if not to the full extent of their original grant or grants at least as far as high-water mark; and if any proprietor or possessor of such water lot or lots shall neglect or refuse to comply with this regulation the harbour-master is enjoined to lodge information in writing with any two or more of Her Majesty's justices of the said Island, who are hereby authorized and required to summon such person or persons before them, and upon conviction of such neglect or refusal the said magistrates are empowered to impose a fine on him, her, or them of *ten pounds* current gold and silver money, to be recovered by warrant under their hands and seals directed to any constable of the said town of Saint John to levy upon their goods and chattels and to sell the same at public auction to the amount of such fine or fines, including the charges attending the same, and in default of such goods and chattels to commit the offender or offenders to the common gaol of this Island, there to remain without bail or mainprise until the same shall be fully paid, together with all charges attending the same; and every person or persons neglecting or refusing to comply with the injunctions laid down in this Act shall be subject to the same fine or fines as such magistrates shall impose every month he shall neglect or refuse to comply with the same.

23. That the harbour-master upon the arrival of any vessel in the roadstead or port of Saint John shall immediately go on board and report all foreign passengers that may come in the said vessel to the Governor or Commander-in-Chief.

24. That this Act shall be deemed and taken as a Public Act, and all judges, justices, and juries are hereby required judicially to take notice thereof accordingly without its being specially pleaded or shown forth.

No. 73.

9 Geo. 4. c. 32.

AN ACT for amending the Law of Evidence in certain Cases.

[Dated 18th, published 19th December 1839; Left to its operation by Order in Council, dated 5th March 1840.]

Preamble.
Vide Acts Nos. 103
and 132.

WHEREAS it is expedient that in prosecutions for forgery the party interested should be rendered a competent witness:

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of Your Majesty's

said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's Island of Antigua aforesaid, That from and after the passing and publication of this Act, on any prosecution by indictment or information either at common law or by virtue of any statute or Act against any person for forging any deed, writing, instrument, or other matter whatsoever, or for uttering or disposing of any deed, writing, instrument, or other matter whatsoever, knowing the same to be forged, or for being accessory before or after the fact to any such offence, if the same be a felony, or for aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanor, no person shall be deemed to be an incompetent witness in support of any such prosecution by reason of any interest which such person may have or be supposed to have in respect of such deed, writing, instrument, or other matter.

In prosecutions for forgery interested party a competent witness.

2. And whereas it is expedient to prevent all doubts respecting the civil rights of persons convicted of felonies not capital who have undergone the punishment to which they were adjudged: Be it therefore enacted, That where any offender hath been or shall be convicted of any felony not punishable with death and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a pardon under the great seal as to the felony whereof the offender was so convicted: Provided always, that nothing herein contained nor the enduring of such punishment shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

6 Geo. 4. c. 25.
vide No. 76, s. 18.

Persons convicted of felonies (not capital) and undergoing their sentence to be considered as pardoned in respect of that offence.

3. And whereas there are certain misdemeanors which render the parties convicted thereof incompetent witnesses, and it is expedient to restore the competency of such parties after they have undergone their punishment: Be it therefore enacted, That where any offender hath been or shall be convicted of any such misdemeanor (except perjury or subordination of perjury) and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be by reason of such misdemeanor an incompetent witness in any court or proceeding, civil or criminal.

Persons convicted of certain misdemeanors not to be thereby rendered incompetent as witnesses.

No. 74.

AN ACT further to extend the Provisions of an Act, intituled "An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries." [Dated 29th May 1840.]

Decision of Her Majesty's Government on this Act suspended.

WHEREAS by an Act, intituled "An Act to prevent unqualified Persons from practising Physic and vending Medicines, either as Physicians, Surgeons, or Apothecaries," dated the twenty-ninth day of February one thousand eight hundred and twelve, it is amongst other things enacted and ordained, "that no licence shall be granted by the Governor, or in his absence the President of the Island, to any person whatsoever at any time to practise physic who shall not produce a certificate from the Surgeons' Hall in London or from one of the Universities of Oxford, Cambridge, Edinburgh, Glasgow, or Dublin, of his having been admitted and allowed of that society or company, or shall not produce a certificate of his having undergone an examination in this Island, and of approval by those appointed to hold such examination:"

Preamble.
Recites Act No. 46,
29th Feb. 1812;

and Act No. 50,
2nd Feb. 1823.

And whereas by another Act, intituled "An Act to amend an Act, intituled "An Act to prevent unqualified Persons from practising Physic and vending "Medicines, either as Physicians, Surgeons, or Apothecaries," dated the second day of February one thousand eight hundred and twenty-two, the provisions of the said Act of the twenty-ninth of February one thousand eight hundred and twelve are extended so as to include diplomas from the Royal College of Surgeons in Edinburgh:

And whereas it is deemed expedient still further to extend the provisions of the said Act, so as to include other bodies legally authorized to grant medical or surgical degrees, diplomas, or licences: Be it therefore and it is hereby enacted and ordained by the Governor and Commander-in-Chief in and over the Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of the said Island of Antigua, That from and after the passing of this Act any person who shall produce a degree, diploma, or licence from any university, college or corporate body within the United Kingdom of Great Britain and Ireland legally qualified and authorized to grant such degree, diploma, or licence shall be entitled to a licence to practise physic within this Island.

Any person producing a diploma, degree, &c. from any university or body corporate in the United Kingdom qualified to grant such degree, &c. to be entitled to a licence to practise physic in this Island.

No. 75.

AMENDED by No. 173.
Vide No. 161, s. 38.

AN ACT to assist in providing a sufficient Stipend for the Minister of All Saints Chapel, and to authorize the Lord Bishop of the Diocese to appoint a certain Ecclesiastical District around it.

[*Dated 23rd July; left to its operation by Order in Council dated 10th November 1840.*]

Preamble.

WHEREAS it is highly expedient to provide a suitable stipend for a minister for the newly-erected chapel called All Saints, situated in the centre of the Island in Osborne's Pasture amidst a populous district in Saint Peter's parish, and on the borders of Saint John's, Saint George's, Saint Mary's, and St. Paul's parishes:

And whereas no part of the amount necessary for this object can be obtained from any of the funds placed at the disposal of the bishop of the diocese unless a considerable portion be locally provided:

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of the same, That immediately from and after the passing of this Act the duly licensed minister of the said chapel, in addition to any sum allowed by the bishop of the diocese to the said minister out of funds placed at his lordship's disposal for such purposes, shall have and receive out of the treasury of this Island yearly and every year, made in quarterly payments during the term of his ministry, the sum of *one hundred and fifty pounds* sterling, the first quarterly payment to be made at the end of one quarter after the date of the minister's licence, and any other less payment, if he shall cease to be minister by death or otherwise, either to his personal representative or on his demand or to his order.

2. That as it is necessary to prescribe the limits of the ministry of the minister of the said chapel, the bishop of the diocese be authorized and is

Minister of All Saints Chapel to receive from the Treasurer the sum of 150*l.* sterling annually in addition to any sum provided by the bishop. Increased to 225*l.* by No. 173.

Bishop empowered to form an ecclesiastical district for the said chapel.

hereby authorized to appoint in his own person, or by his commissary acting under his lordship's instructions, with the free will and consent of the present incumbents, such portions out of the parishes of Saint Peter, Saint John, Saint George, Saint Mary, and Saint Paul as shall form a suitable ecclesiastical district to the said chapel called "All Saints," and that the extent and conditions of such assignments shall be signified by a deed and instrument in writing executed between the lord bishop or his commissary acting on his behalf and the rectors of the said parishes, which when duly executed shall be registered in the office for the registry of deeds: Provided always, that as the above-named parishes become void by the death or otherwise of the present incumbents, the portions severally from each parish so assigned as above provided shall thereafter form a separate ecclesiastical district attached to the said chapel called "All Saints:" Provided also, nevertheless, that nothing herein contained shall be so construed as to interfere with the civil division of parishes as now by law established in relation to the jurisdiction of vestries or otherwise.

Act not to interfere with the civil division of parishes.

No. 76.

AN ACT for improving the Administration of Criminal Justice in this Island.
[Dated 26th November 1840; left to its operation by Order in Council dated 13th September 1845.]

WHEREAS it is expedient to define under what circumstances persons may be admitted to bail in cases of felony, and to make better provision for taking examinations, informations, bailments, and recognizances, and returning the same to the proper tribunals:

Preamble.

May it please Your most Gracious Majesty that it may be enacted, and be it and it is hereby enacted by the authority of the Lieutenant-Governor of Your Majesty's Islands of Antigua and Dominica, administering the general government of the Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua:

Sections 1, 2, 3 repealed, and other provisions substituted by No. 170.

4. That every coroner upon any inquisition taken before him whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind by recognizance all such persons as know or declare anything material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next Court of Queen's Bench and Grand Session of the Peace or court of oyer and terminer or gaol delivery at which the trial is intended to be, then and there to prosecute and give evidence against the party charged; and every such coroner shall certify and subscribe the said evidence and all such recognizances, and also the inquisition before him taken, and shall deliver or cause the same to be delivered to the proper officer of the court in which the trial is to be ten days before the opening of the said court, or if the inquisition shall have been taken within such ten days then as soon after the same was taken as conveniently may be.

Duty of coroner. See vide No. 170, s. 18.

5. That if any justice or coroner shall offend in anything contrary to the true intent of these provisions, the court to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have

Penalty on justices and coroners.

been delivered shall, upon examination and proof of the offence in a summary manner, set such fine upon every such justice or coroner as the court shall think meet.

6. And whereas trials for criminal offences in this Island are attended with some forms which frequently impede the due administration of justice, and it is expedient to abolish such forms, and also to abolish the benefit of clergy, and to make better provision for the punishment of offenders in certain cases: Be it enacted, That if any person being arraigned upon any indictment of treason, felony, or piracy shall plead thereto a plea of "not guilty," he shall by such plea without any further form be deemed to have put himself upon the country for trial, and the court shall in the usual manner order a jury for the trial of such person accordingly.

Persons arraigned for treason, felony, or piracy pleading "not guilty" trial to proceed without further form.

Persons arraigned upon indictment or information for treason, &c. standing mute of malice or will not answer directly, court to order proper officer to enter a plea of "not guilty."

No attainer to be pleaded unless for offence charged in indictment.

Jury not to be charged to inquire concerning lands, &c. of person indicted for treason or felony, &c.

Benefit of clergy abolished, not to prevent joinder of counts which might have been joined before this Act.

Punishment of death.

Competency of witness.
Vide Act 4th April 1850, No. 109.

Person convicted of felony not punishable with death, how to be punished.
Vide Act No. 64, s. 1.

Person convicted of any offence punishable under this Act for which imprisonment may be awarded to be imprisoned as herein directed.

7. That if any person being arraigned upon or charged with any indictment or information for treason, felony, piracy, or misdemeanor shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the court, if it shall so think fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Section 8 repealed.

9. That no plea setting forth any attainer shall be pleaded in bar of any indictment unless the attainer shall be for the same offence as that charged in the indictment.

10. That where any person shall be indicted for treason or felony the jury empanelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

11. That benefit of clergy with respect to persons convicted of felony shall be abolished, but that nothing herein contained shall prevent the joinder in any indictment of any counts which might have been joined before the passing of this Act.

12. That no person convicted of felony shall suffer death unless it be for some felony which was excluded from the benefit of clergy before the passing of this Act, or which shall be made punishable with death by some Act passed after such time.

13. That every person convicted of a felony which was not excluded from the benefit of clergy before the passing of this Act, and which shall not be made punishable with death by any Act passed after the passing of this Act, shall, after having suffered the punishment awarded by the court upon such conviction, be a competent witness.

14. That every person convicted of any felony not punishable with death shall be punished in the manner prescribed by the Act or Acts specially relating to such felony, and that every person convicted of any felony for which no punishment hath been or may hereafter be specially provided shall be deemed to be punishable under this Act, and shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years.

15. That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of

such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

16. That whenever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which such punishment could be otherwise awarded.

Person under sentence of imprisonment for one offence and convicted of a subsequent offence, sentence to commence at the expiration of first judgment.

17. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony, whether such conviction shall have taken place before or after the commencement of this Act: Be it therefore enacted, That if any person shall be convicted of any felony not punishable with death, committed after a previous conviction of felony, such person shall on such subsequent conviction be liable at the discretion of the court to be imprisoned for any term not exceeding five years; and in an indictment for any such felony committed after a previous conviction for felony it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony, and a certificate containing the substance only (omitting the formal part) of the indictment and conviction for the previous felony, and purporting to be signed by the clerk of the Crown or other officer having the custody of the records of the court where the offender was first convicted, or by the deputy or person acting for such clerk or officer (for which certificate a fee of *twelve shillings* and no more shall be demanded and taken), shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction without proof of the signature or official character of the person appearing to have signed the same; and if any such clerk, officer, deputy, or person acting for such clerk or officer shall utter a false certificate of any indictment and conviction for a previous felony, or if any person other than such clerk, officer, deputy, or person acting for such clerk or officer shall sign any such certificate as such clerk, officer, deputy, or person acting for such clerk or officer, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years.

Person convicted of felony not punishable with death, after a previous conviction for felony, to be imprisoned for five years max. at discretion of court.

Certificate of clerk of the Crown, &c. of the previous conviction to be evidence of such conviction.

No. 226.

18. That where the Royal mercy shall be extended to any offender convicted of any felony punishable with death or otherwise, and either a free pardon or conditional pardon shall by warrant in due form be granted to such offender, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon under the Great Seal for such offender as to the felony for which such pardon shall be so granted: Provided always, that no free pardon nor any such discharge in consequence thereof in any of the cases aforesaid shall prevent or mitigate the punishments to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of such pardon.

Effect of free or conditional pardon. Vide No. 73, s. 2.

No pardon or discharge to prevent or mitigate punishment for subsequent conviction.

19. That whenever this or any other Act relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence or the subject matter on or with respect to which it shall be committed, or the offender or the party affected or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the Act shall be understood to include several matters as well as one matter, and several persons as well as one person, and

Words in this or any other Act relating to any offence, or the subject matter thereof, or the offender or party affected by the offence, and importing the singular number or masculine gender

only, to be understood to include several matters as well as one matter, several persons as well as one person, males as well as females, &c.

In indictments for offences committed on the property of partners, it may be laid in any one partner by name, and others.

females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

20. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners, be it enacted, That in any indictment or information for any felony or misdemeanor wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be; and whenever in any indictment or information for any felony or misdemeanor it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid, and this provision shall be construed to extend to all joint stock companies and trustees.

Felony or misdemeanor committed with respect to any property provided for the use of the poor to be laid in master, mistress, or superintendent of workhouse, &c.

21. That in any indictment or information for any felony or misdemeanor committed in, or on, or with respect to any goods or chattels whatsoever provided for the use of or to be used in any workhouse or poorhouse, or in any asylum for the reception of the poor or infirm in this Island, or by the master, mistress, or superintendent of such workhouse, poorhouse, or asylum, or by any workmen or servants employed therein, it shall be sufficient to state any such property to belong to the master, mistress, or superintendent of such workhouse, poorhouse, or asylum, and it shall not be necessary to specify his or her name.

Indictment not to abate by dilatory plea of misnomer, &c.

22. And for preventing abuses from dilatory pleas, be it enacted, That no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the court shall be satisfied by affidavit or otherwise of the truth of such plea, but in such case the court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto and shall proceed as if no such dilatory plea had been pleaded.

What defects shall not vitiate an indictment after verdict or otherwise.

23. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, be it enacted, That no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of the words "against the form of the statutes," or *vice versa*, nor for that any person or persons is or are designated by a name of office or other descriptive appellation instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue where the court shall appear by the indictment or information to have had jurisdiction over the offence.

What shall not be sufficient to stay or reverse judgment after the verdict.

24. That no judgment after verdict upon any indictment or information for any felony or misdemeanor shall be stayed or reversed for want of a similiter, nor by reason that the jury process has been awarded to a wrong officer upon

an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the provost marshal or other officer; and that where the offence charged has been created by any statute or subjected to a greater degree of punishment, or excluded from the benefit of clergy by any statute, the indictment or information shall after verdict be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

25. And whereas various statutes and Acts and parts of statutes and Acts relating to the several matters and things aforesaid passed in the Parliament of England or in the Imperial Parliament of Great Britain, and some of which extended or might have been considered to extend to this Island, have been repealed, some by an Act passed in the seventh year and others by an Act passed in the seventh and eighth years of the reign of His Majesty King George the Fourth: And whereas doubts might hereafter arise whether the said repealing Acts of such of the said statutes and Acts and parts of such statutes and Acts extended to this Island or not; to prevent such doubts: Be it enacted, That the repeal of such statutes and Acts and parts of such statutes and Acts by the Imperial Parliament as relate to any of the matters aforesaid shall extend to this Island, and that the said statutes and Acts and parts of such statutes and Acts so repealed shall henceforward have no binding, force, or efficiency in this Island, any law, usage, or custom to the contrary notwithstanding.

Repeal of statutes and Acts and parts of statutes and Acts by Imperial Parliament relating to matters and things herein referred to to extend to this Island.

No. 77.

AN ACT for exempting Vessels of the Royal Yacht Squadron arriving in the Ports of this Island from the payment of all Tonnage and other Duties, Port Charges, and Fees of Office.

[Dated 31st July, published 2nd August 1841; Left to its operation by Order in Council dated 6th October 1841.]

WHEREAS it is desirable that the vessels of or belonging to the Royal yacht squadron should be permitted to enter and depart the ports of this Island free and exempt from the payment of all tonnage and other duties, port charges, and fees of office:

Preamble.

We, therefore, Your Majesty's most dutiful and loyal subjects the Lieutenant-Governor administering the general government of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of Your Majesty's said Lieutenant-Governor administering the general government of Your Majesty's said Islands, and the Council and Assembly of Your Majesty's Island of Antigua aforesaid, That from and after the publication of this Act all vessels of or belonging to the Royal yacht squadron shall be permitted to enter and depart the ports of this Island free and exempt from the payment of all tonnage and other duties, port charges, and fees of office, in the same manner as the present Government packets are now exempted from such charges.

Vessels of the Royal yacht squadron exempted from the payment of all tonnage and other duties, port charges, and fees of office, in the same manner as Government packets.

No. 78.

See Declaratory Act
(No. 81).

AN ACT to authorize the binding of Apprentices, and to regulate Apprenticeships within this Island.

[Dated and published 13th October 1841; Left to its operation by Order in Council dated 15th July 1843.]

Preamble.
Vide Act, 8th June
1855, No. 122.

WHEREAS it is essential that some fixed rules should be enacted by law to authorize and empower parents, reputed parents, guardians, and others to bind infants under the age of twenty-one years as apprentices to any crafts, trades, or occupations, and also to permit and suffer all persons engaged in such crafts, trades, and occupations to receive and take such infants as apprentices, and to establish certain rules and regulations for the good ordering of all matters appertaining thereto:

Persons to whom, and
art, trade, or occupa-
tion, and term for
which apprentices
may be bound.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Lieutenant-Governor of Your Majesty's Islands of Antigua and Dominica administering the general government of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and by the authority of the same, That from and after the publication of this Act every person being a householder of the age of twenty-one years at least, and using and exercising any art, mystery, craft, trade, or occupation, save that of agriculture or the manufacture of colonial produce, may take and retain any person of an age not less than ten nor exceeding sixteen years to serve and be bound as an apprentice in like manner as apprentices in England for a term not exceeding five years.

Owner of vessels and
seafaring persons.

2. That any owner of any ship or vessel registered in the said Island, master mariner trading from or branch pilot resident in the said Island, may take and retain apprentices in like manner as other persons authorized by this Act.

Age at which and by
whom apprentice
may be bound.

3. That all and every person of an age not less than ten nor exceeding sixteen years as aforesaid that by virtue of this Act shall be bounden by indenture to serve as apprentice shall be bound by his or her parents, reputed parents, guardians, or next of kin, or by the churchwardens or churchwarden of any of the parishes of this Island where such infants have neither parents, reputed parents, guardians, nor persons near of kin, and such indenture shall be signed by the said parties and the said apprentice, and such apprentice shall be compelled to serve for the years in his or her several indentures specified as fully and amply to all intents and purposes as if the said apprentice were of the full age of sixteen years at the time of making such indentures, in like manner as apprentices in England, any law, usage, or custom to the contrary notwithstanding: Provided, nevertheless, that any person of the full age of sixteen years or upwards may by his or her consent be apprenticed to any trade, craft, or occupation whatsoever in the practice of which any peculiar art or skill is required for any term not exceeding five years.

Indenture of service.

Person of the age of
16 years may by his
own consent be bound
apprentice.

Such person and the
party taking him as
apprentice amenable
to regulations of this
Act.

4. That every person who being of the full age of sixteen years shall bind himself or herself as an apprentice to any other person, and every person who shall take any such apprentice, being of full age as aforesaid, shall be respectively amenable to all the rules, regulations, and provisions of this Act.

Indentures made
in Great Britain or

5. And whereas persons frequently bind themselves or are bound apprentices in Great Britain and Ireland to serve their masters or mistresses in this Island,

now to obviate all doubts as to the effect of such bindings: Be it enacted, That all indentures, deeds, and agreements in writing entered into for such purpose which would be valid and effectual in the place where made shall be to all intents and purposes valid and effectual in this Island, and the apprentice, master, or mistress bound by such indentures, deeds, or agreements shall be respectively amenable to the rules, regulations, and provisions of this Act.

Ireland for service in this Island when valid.
See Declaratory Act of 14th Nov. 1842 (No. 81).

6. That if any master or mistress shall be charged upon oath with misuse, maltreatment, or cruelty against his or her apprentice, or of incompetency in his or her craft or trade, or shall refuse to conform to and fulfil the terms of the indenture of apprenticeship, then the said apprentice, or his or her parent or reputed parent, guardian, or next of kin, or the churchwardens or churchwarden as aforesaid, shall make complaint to any justice of the peace within the district; and the said justice shall associate himself with another neighbouring justice, both of whom shall be authorized and empowered to take cognizance of all complaints and charges against the said master or mistress upon oath, and upon just grounds to them appearing may order the said apprentice to be discharged from his or her apprenticeship and the indentures to be delivered up and cancelled.

Indentures may be cancelled for maltreatment, &c.

7. That it shall be lawful for such justices upon complaint by any master or mistress against any apprentice in his or her service touching or concerning any misdemeanor, miscarriage, or misbehaviour upon oath to hear, examine, and determine the same, and to punish the offender by commitment to the common gaol or house of correction for a reasonable time not exceeding three months, or if a male under the age of sixteen years, or a female under the age of fourteen years, to commit such offender or offenders to the asylum for the correction and reformation of juvenile offenders, there to be kept and worked for any period not exceeding three months; and the said justices shall likewise be empowered to discharge the said apprentice and to cancel the indenture.

Misconduct and punishment of apprentice.

8. Provided always, That if any person or persons, whether master, mistress, or apprentice, shall think himself or herself aggrieved by such order, determination, or award of such justices aforesaid, he, she, or they upon notice to said justices being given within forty-eight hours after judgment may, upon proper recognizances being entered into for such purpose, appeal to the next sessions of the peace to be holden for the said Island, which said Court of Sessions is hereby empowered to hear and determine the same finally and to give and award such costs to any of the respective persons, appellant or respondent, as the said court shall judge reasonable.

Appeal;
Notice;
Recognizance.

9. That upon such notice being given to the said justices all proceedings consequent upon any order, award, or determination of the said justices shall be suspended until the final determination of the Court of Sessions; and if after notice as aforesaid the appellant shall not prosecute such appeal the party so neglecting shall pay the sum of four pounds eight shillings and tenpence halfpenny sterling to the respondent, recoverable by attachment of the said court.

Stay of proceedings.
Non-prosecution of appeal.

10. That it shall be lawful for the said justices, upon due proof to be made upon oath, to compel any apprentice to serve beyond the term of his or her apprenticeship and to make good to the master or mistress all such time as such apprentice shall have absented himself or herself from the service of his or her master or mistress, whether such absence from service be caused by commitment or otherwise, except actual sickness.

Apprentice may be compelled to serve beyond the term of apprenticeship, and to make good absence from service of master or mistress, except in case of sickness.

Three months after the death of a master or mistress the remaining portion of the service of apprentice may be assigned.

11. That within three months after the death of a master or mistress it shall be lawful for any parent, reputed parent, or guardian, or next of kin, or the churchwardens or churchwarden as aforesaid, having been parties to the indenture of any such apprentice, to transfer or assign over the remaining portion of the service of such apprentice to the widow or partner or successor of his or her former master or mistress carrying on and using the same trade or occupation, or to some other person carrying on and using the same trade, which assignee or assignees shall be subject to the same rules and regulations under this Act as the parties to whom such apprentice or apprentices were or was originally bound; and it shall be lawful on application being made to the parent, reputed parent, guardian, or next of kin, or churchwardens or churchwarden as aforesaid, to bind the said apprentice for the remainder of his or her term, and upon refusal of such apprentice to serve the remainder of his or her term it shall be lawful for two justices to commit the said apprentice to the common gaol or house of correction for the space of three months:

No writs of certiorari.

Forms of indentures, &c. to be conformable to practice in England.

12. Provided always, and be it enacted, That no writs of certiorari be issued or be issuable to remove any proceedings whatsoever had in pursuance of this Act into any of Her Majesty's courts of record within this Island, and that all forms of indentures and proceedings under this Act be made as conformable as circumstances will permit to the practice in England.

No. 79.

Vide No. 32, s. 24.

AN ACT for facilitating the Proof of Deeds, Letters of Attorney, Procurations, and other Powers in writing made in places out of this Island, and for the Substitution of solemn Declarations in writing for Depositions in proof of the same.

[Dated 11th May 1842; Left to its operation by Order in Council dated 1st February 1843.]

Preamble.
No. 133, s. 58.

WHEREAS by the fifty-eighth clause of an Act of this Island, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," it is enacted, That conveyances and deeds and also letters of attorney, procurations, and other powers in writing made in places out of this Island which should at any time after the publication of the said Act be produced in any court of justice within the said Island with a deposition proving the same sworn before the Lord Mayors of London, York, or Dublin, or any other mayor or chief officer of any city or town corporate within the kingdoms of Great Britain or Ireland, and attested under the public seal of such city or town corporate or under the hand and public seal of any Chief Governor or President of the Council of any colony in Her Majesty's dominions and annexed to every such instrument of writing shall be deemed, adjudged, and taken as sufficient evidence in law and equity as if the witnesses therein named and having subscribed the same were personally present and made such proof *visâ voce*: And whereas it is expedient that greater facility be given to the proof of such deeds, letters of attorney, procurations, and other powers in writing, and that proof by declaration be accepted for the proof thereof by deposition as required by the said Act: May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Chris-

topher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That all deeds, letters of attorney, procurations, and other powers in writing made in places out of this Island which shall at any time after the publication of this Act be produced in any court of justice within this Island, with a solemn declaration or declarations in writing thereunto annexed made before any justice of the peace, notary public duly admitted and practising, or other officer now by law authorized to administer an oath, and certified and transmitted under the signature and seal of any such justice, notary public, or other officer as aforesaid, shall be deemed, adjudged, and taken as sufficient evidence in law and equity as if the witness or witnesses therein named and having subscribed the same were personally present and made such proof *visd voce*: Provided always, that such deeds, letters of attorney, procurations, and powers, if concerning lands and tenements, be in all respects duly acknowledged and recorded in the registrar's office of this Island as by law is directed and required.

Proof of deeds, letters of attorney, &c. made out of this Island by solemn declaration in writing before justice of peace or other officer empowered to administer oath to be good evidence in lieu of depositions on oath heretofore required.

If concerning lands and tenements to be recorded in register office of the Island.

No. 80.

AN ACT to render copies of the Charter and supplemental Charter of the Colonial Bank recorded in the Secretary's Office of this Island, or certified copies thereof, legal evidence.

[Dated 26th, published 29th September 1842; Left to its operation by Order in Council dated 3rd April 1843.]

WHEREAS His late most Gracious Majesty King William the Fourth, by His letters patent bearing date at Westminster the first day of June, in the sixth year of His reign, did give, grant, make, ordain, constitute, declare, and appoint that John Irving, Andrew Colville, Aeneas Barkly, David Barclay, James Cavan, John Alexander Hankey, William Fetlow Hibbert, John Gurney Hoare, John Irving (the younger), Charles McGarel, William Miller, Thomas Masterman, Abraham George Roberts, Patrick Maxwell Stewart, Alexander Stewart, Samuel Gurney, Charles Marryatt, and Thomas Moody, Esquires, or such of them as should become subscribers of not less than two thousand pounds each towards the capital or joint stock therein-after mentioned in the manner therein-after provided, together with such and so many other person or persons, bodies politic or corporate, as should become subscribers of or towards the capital or joint stock therein-after mentioned in manner therein-after provided, and such other person or persons, bodies politic or corporate, as should from time to time in manner therein-after provided become a proprietor or proprietors of any part of such capital or joint stock (not being a fractional part of one hundred pounds of such stock), should be one body politic and corporate in deed and in name by the name of the Colonial Bank, and by that name should and might sue and be sued, implead, and be impleaded in all courts, whether of law or equity, and should have perpetual succession with a common seal, which might be changed or varied at their pleasure; and His Majesty did thereby further declare that the said corporation should be established for the purpose of carrying on the business of a banker in Jamaica and the other West India Islands and British Guiana, and not elsewhere, subject, nevertheless, to such restrictions and provisions as were therein-after contained; and His said Majesty did

Preamble.

thereby, for Himself, His heirs and successors, grant unto the said Colonial Bank and their successors, and did thereby will, direct, and appoint that it should and might be lawful for the said corporation for the period of twenty years, commencing from the first day of May one thousand eight hundred and thirty-six, to carry on the business of bankers by dealing generally in bullion, money, bills of exchange, and lending money on commercial paper and Government securities, and in such lawful ways and means as are usually practised among bankers, subject to the restrictions therein mentioned; and did thereby further will and ordain that it should and might be lawful to and for the corporation during the same period to establish one or more principal bank or banks in the Islands of Barbadoes and Jamaica and in such other Islands or places in the West Indies and British Guiana as by them should be considered expedient, with such branches or agencies as from time to time might be found convenient, and at and from such principal bank or banks, branches and agencies, or any of them, to make, issue, and circulate notes payable in dollars to bearer on demand or otherwise, subject to the provisions, regulations, and restrictions therein contained, as by the said letters patent will more fully appear :

And whereas Her present most Gracious Majesty has been pleased to grant a supplemental charter to the said Colonial Bank by Her letters patent bearing date at Westminster the thirtieth day of October in the second year of Her reign : And whereas the said first-mentioned letters patent so granted as aforesaid by His late most Gracious Majesty and the said second-mentioned letters patent so granted as aforesaid by Her present most Gracious Majesty, remain of record at Westminster, but copies of the same duly examined and compared with the said original letters patent so granted as aforesaid by His late Majesty King William the Fourth and by Her present Majesty have been transmitted to this Island, together with the declaration of John Baptist Holman and John William Sloper of Mansion House Place in the city of London, gentlemen, by whom the same were examined and compared, and the said copies of the said letters patent and the said declaration under the seal of the Lord Mayor of the city of London have been duly recorded in the Secretary's office of this Island : And whereas it is expedient to render the said copies of the said letters patent so transmitted to this Island and recorded as aforesaid, and also copies thereof made and certified by the Secretary of this Island, admissible as evidence of the said original letters patent : May it please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's said Island of Antigua, That from and after the passing and publication of this Act the said copies of the said letters patent so recorded in the Secretary's office of this Island, or any copy or copies thereof at any time hereafter made and certified by the Secretary of the said Island, shall be admitted in all courts and places in this Island as legal evidence to the extent and for the purpose to which the original letters patent themselves would be admitted, any law, custom, or usage to the contrary thereof in anywise notwithstanding.

2. That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all judges, justices, and others without being specially pleaded.

Copies of letters patent granted to Colonial Bank as recorded in the Secretary's office of this Island made and certified by Secretary of said Island to be good evidence in all courts and places in said Island to the extent and purpose of the original letters pa

Act to be Public Act.

No. 81.

AN ACT declaratory of an Act, intituled "An Act to authorize the binding of
"Apprentices and to regulate Apprenticeships within this Island.

[Dated 14th November 1842; Left to its operation by Order in Council
dated 15th July 1843.]

WHEREAS an Act entitled "An Act to authorize the binding of Apprentices
"and to regulate Apprenticeships within this Island," was passed and duly published on the thirteenth day of October in the year of our Lord one thousand eight hundred and forty-one:

Preamble.
Recites Act No. 78.

And whereas the fifth clause of the said Act was intended to provide for the recognition and confirmation in the Island of Antigua of such indentures of apprenticeship as might be entered into in Great Britain or Ireland, but it has been considered that doubts may arise whether the said clause may not admit of a more extensive interpretation:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and by the Council and Assembly of this Your Majesty's Island of Antigua, That all and every the provisions of the fifth clause of the Act, intituled "An Act to authorize the
"binding of Apprentices and to regulate Apprenticeships within this Island," shall be construed to extend to indentures, deeds, and agreements in writing entered into in the United Kingdom of Great Britain and Ireland and nowhere else, anything contained in the said clause to the contrary thereof notwithstanding.

Fifth clause of Act of
13th Oct. 1841
(No. 78), declared to
extend to indentures
entered into in the
United Kingdom of
Great Britain and
Ireland and nowhere
else.

No. 82.

AN ACT for ascertaining the respective Obligations of Mariners and other
Persons employed on board Vessels commonly called Droghers, and the
Owners thereof.

Revived by Acts
2nd July 1849 and
No. 121.

[Dated 18th May 1843; Left to its operation by Order in Council
dated 10th November 1843.]

WHEREAS it is expedient that the hirings of mariners and other persons
employed on board droghers should be properly regulated and that all grievances
connected therewith should be promptly and adequately redressed:

Preamble.

We, Your Majesty's most loyal and obedient subjects the Governor and
Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat,
Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica,
and the Council and Assembly of this Your Majesty's Island of Antigua, do
humbly pray Your most Excellent Majesty that it may be enacted, and be it
enacted and ordained by the authority of Your Majesty's said Governor and
Commander-in-Chief, and the Council and Assembly of this Your Majesty's
Island of Antigua aforesaid, That all complaints, differences, and disputes which
shall happen or arise in this Island in relation to their contracts or hirings
between any owner and master of a drogher, or between the owner or master
of a drogher and any person employed on board thereof, shall be heard and
determined by one or more justice or justices of the peace, which said justice or
justices is or are hereby empowered to examine upon oath any such person
employed as aforesaid, or any other witness or witnesses, touching any such
complaint, difference, or dispute, and to make an order for payment by the

Justice of peace em-
powered to hear and
determine complaints
between masters or
owners of droghers
and persons employed
on board them, and
to order and enforce
payment of wages due
to the latter.

owner of such drogher or by the master thereof, as the circumstances of the case shall warrant, of as much wages to any such person employed as aforesaid as to such justice or justices shall appear just and reasonable, with costs and damages not exceeding treble the amount of wages which shall have been unjustifiably withheld; and in case of refusal or nonpayment of any sum or sums so ordered to be paid within the space of three days next after such determination, such justice or justices shall or may issue his or their warrant to any constable to levy the same by distress and sale of the goods and chattels of the person adjudged to pay such sum or sums; and in default of goods and chattels on which a levy can be made the offender shall be committed by such justice or justices to the common gaol, there to be confined for a period not exceeding thirty days, unless such sum or sums shall be sooner paid and satisfied.

Cases of misbehaviour or ill-conduct by persons employed on board droghers may be determined by justice of peace on complaint of owner or master of drogher. Offenders may be fined one month's wages max. or committed to house of correction for 14 days max.

On complaint by person employed in droghers of misusage by master, &c., justice may discharge parties from their contract of service.

Persons employed as aforesaid to be considered (unless the contrary appear) hired for any drogher of their employers for one month.

Receipt of wages to be evidence of contract.

What acts by persons employed in droghers are to be considered misdemeanors within this Act.

2. That it shall and may be lawful to and for such justice or justices upon application or complaint made upon oath by the owner or master of any drogher or his agent against any person employed as aforesaid, touching or concerning any misdemeanor or miscarriage or ill-behaviour in such his service or employment (which oath such justice or justices is and are hereby empowered to administer), to hear, examine, and determine the same, and to punish the same by fining the party so offending, for the benefit of the employer, any sum not exceeding one month's wages, or by commitment of the offender to the house of correction, there to be held to hard labour for a period not exceeding fourteen days, or otherwise by abating some part of his wages or by discharging him from the particular service or employment; and in like manner also it shall and may be lawful to and for any justice or justices, on complaint or application on oath by any person employed as aforesaid against the master or director of any drogher, touching or concerning any misusage, cruelty, or other ill-treatment of or towards such person employed as aforesaid (which oath such justice or justices is and are hereby empowered to administer), to summon such employer or drogher master or agent to appear before such justice or justices at a reasonable time to be prefixed in such summons, and such justice or justices (proof of summons being made on oath), whether the party summoned shall appear or not, shall and may examine into the matter of such complaint, and upon proof thereof being made upon oath to his or their satisfaction, over and above any other remedy to which such party aggrieved may be entitled at the hands of such justice or justices, shall and may give a written discharge to such person from his said service or employment.

3. That all persons employed as aforesaid shall, in the absence of sufficient proof to the contrary, be considered as engaged and employed to work on board of any drogher belonging to his employer for the period of one calendar month and until the return of the drogher to the port to which she belongs, should such month expire during the performance of a trip or passage from one to another part of this or any other Island.

4. That the receipt of any portion of wages in advance by any such person employed as aforesaid shall be sufficient evidence of such engagement, employment, or contract for service, unless a special agreement be shown to the contrary.

5. That if any such person employed as aforesaid shall absent himself from the drogher on board which he may have so entered or engaged himself, or shall absent himself when on shore from the duty to which he may have been appointed on account of such drogher without reasonable cause, or without the permission or direction of the master or person in charge of such drogher, or having received his weekly portion of wages shall neglect or refuse to return promptly to his ordinary duty on board the said drogher after a reasonable time

allowed for the purchase of provisions and other necessities of life, or shall refuse to obey the lawful commands which the master or person in charge of such drogher may think it necessary to give for the guidance and government of the vessel, or shall wilfully neglect or refuse to perform his ordinary duty or allotted work on account of such drogher, whether on board or on shore, or shall refuse to work in harbour at any hour between daylight and sunset (a reasonable time allowed for meals excepted), or who shall desert his duty, or refuse to proceed at the appointed time on the trip or passage for which the drogher may be engaged, or by any culpable neglect or unlawful act shall wilfully damage the property of or that entrusted to his employer, whether in harbour or in any out bay or within one league of the shore of the said Island, or shall endanger the same by fire or otherwise, or shall ill-use anything entrusted to his care, shall be considered guilty of a misdemeanor, miscarriage, and ill-behaviour within the meaning of this Act.

6. That if any person shall knowingly employ any one already under engagement or contract for service to a drogher owner as aforesaid, or continue to employ after due notice of the same, the person so offending shall on conviction on oath before any justice or justices of the peace forfeit for every offence the sum of two pounds four shillings and fivepence farthing sterling, to be recovered in the same way as is herein-before prescribed for the recovery of wages, and to be paid into the public treasury of this Island, or in default of payment thereof shall be committed to the common gaol for a period not exceeding fourteen days.

Penalty for employing persons already under contract to drogher owners.

7. That the wages of such person so employed on board of droghers as aforesaid shall in the absence of any particular engagement to the contrary be payable monthly : Provided, nevertheless, that every person so employed as aforesaid shall be entitled to receive from his employer out of his monthly wages at least the sum of three shillings and one penny farthing sterling, as subsistence money every week (where not subsisted out of the vessel's provisions), payable on a specific day of the week at the option of the employer, Sunday always excepted.

Wages to be payable monthly.

Subsistence money.

8. That all owners of droghers shall be on the same footing and subject to the same liabilities and responsibilities for the safe transportation and delivery of goods committed to their care as are the carriers of goods by water by the laws of Great Britain.

Drogher owners to be on the same footing as to the carriage of goods as carriers by water in Great Britain.

9. That in case of any drogher being detained alongside of any ship or vessel in discharging her load beyond a period of forty-eight hours, the owner of such drogher shall be entitled to receive from the master of such ship or vessel a demurrage at the rate of one pound and twelve shillings sterling *per diem* in addition to any freight that may be due.

Droghers detained more than 48 hours discharging cargo to be allowed demurrage.

10. That this Act shall be and continue in force for the space of five years from the publication thereof and thenceforward to the next meeting of the Council and Assembly of this Island.

Duration of Act. Revived by Act No. 121.

No. 83.

AN ACT to alter and amend an Act, intituled " An Act for establishing " Courts of Common Pleas, Error, King's Bench and Grand Session, " and for the better regulating and settling due methods for the administration of Justice."

[Dated 16th, published 17th January 1844 ; Left to its operation by Order in Council dated 17th April 1844.]

WHEREAS by the one hundred and ninety-fifth clause of an Act of the said Island, intituled " An Act for establishing Courts of Common Pleas, Error, " King's Bench and Grand Session, and for the better regulating and settling

Preamble.

21st Jan. 1791,
No. 33, s. 195.

"due Methods for the Administration of Justice," dated the twenty-first day of January one thousand seven hundred and ninety-one, it is enacted, "that all coroners, waywardens, and townwardens, and constables of this Island shall at their perils attend at the said courts respectively from the beginning of the sessions to the end thereof, unless excused or sooner discharged by that court."

And whereas great inconvenience has arisen by reason of the constables residing in different parts of the Island other than the city of Saint John being obliged under the requirements of the before-mentioned clause of the said recited Act to attend at the said courts of session; and it is deemed expedient that the said constables so residing in the country districts of the said Island should be exempted from attending at the said courts, unless specially summoned by order of the Court of Queen's Bench and Grand Session or court of oyer and terminer which may be held for the said Island:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the passing and publication of this Act so much of the said one hundred and ninety-fifth clause of the said Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," and dated on the twenty-first day of January one thousand seven hundred and ninety-one, as relates to constables of divisions, shall be and the same is hereby repealed.

Repeal of so much of the 195th clause of the Court Act (No. 33) as relates to constables of divisions.

Justices of the Queen's Bench may appoint annually 12 constables in the city of Saint John and not more than three in each division of the Island.

2. That from and after the passing and publication of this Act it shall be lawful for the justices of the Court of Queen's Bench and Grand Session of the Peace of this Island once in each year to appoint twelve able-bodied men under the age of fifty years residing in the city of Saint John, and one or more but not more than three able-bodied men under the age aforesaid residing in the several divisions of this Island, to act as constables, and the several constables so appointed shall be and the same are hereby declared to be constables for the Island generally.

New constables may be appointed in room of those dead, discharged, or absent.

Provided always, That in case of the discharge, death, or absence from the Island of any constable so appointed, it shall be lawful for the justices of the Court of Queen's Bench and Grand Session at any quarterly meeting of the said court to appoint some other constable in the place of the one so discharged, dead, or absent.

Oath to be taken by constable.

3. That every constable appointed under this Act shall before he enters on the duties of his office take the following oath before some one or more of Her Majesty's justices of the peace; that is to say,

'I A.B. do swear that I will to the best of my ability faithfully execute the office of a constable for this Island until I shall be legally discharged.'

Constables residing in St. John's to attend at the courts of session.

4. That the constables so appointed residing in the city of Saint John shall attend at the said courts of session respectively, and shall then and there perform the duties required of them, and shall in all respects obey the lawful orders and commands of the justices of the said court, the provost marshal, and all officers appointed and set in authority over them by the said provost marshal: Provided, nevertheless, that it shall and may be lawful to and for the justices of the said Court of Queen's Bench and Grand Session or of oyer and terminer, whenever occasion shall so require it, to direct the provost marshal or his lawful

Justices of the Queen's Bench may summon constables residing in the country.

deputy to issue a special summons to all or any of the constables residing in the country districts of said Island requiring their attendance at the said courts respectively.

5. That it shall and may be lawful to and for the provost marshal of this Island or his lawful deputy to pay to each of the said city constables who shall be in attendance at the said courts respectively, and to each of the country constables when specially summoned as aforesaid, and who shall perform his duty to the satisfaction of the said court, the sum of four shillings sterling for each day's attendance, and if the whole or any number of the said constables shall be detained during the night at the sitting of any of the said courts of session or of oyer and terminer the further sum of eight shillings sterling for each night's detention, and to charge the amount so paid in his account against the public of said Island.

Provost marshal authorized to pay constables attending the courts 4s. per day and 8s. per night.

6. That for each default of attendance at all or any of the said courts of session or oyer and terminer, and all and every neglect of duty or act of misbehaviour on the part of the said constables respectively, it shall and may be lawful to and for the said justices of the said courts of session or oyer and terminer to award a fine not exceeding the sum of two pounds four shillings and fivepence farthing sterling, and in default of payment to commit the offender to the common gaol of the Island for a period not exceeding fourteen days.

Constables not attending the courts or guilty of any misbehaviour how punishable.

No. 84.

AN ACT to authorize and require the Treasurer of this Island to deposit from time to time at Interest, in one or both of the chartered Banks, such part or parts of the public money as shall not be immediately required for the uses of the Colony.

[Dated 26th, published 27th March 1844; Left to its operation by Order in Council dated 19th June 1844.]

WHEREAS there is now in the hands of the Treasurer of this Island a larger sum of money than is likely to be soon required for the uses of the colony, and the present amount of the revenue of the Island renders it probable that a surplus will continue to accrue:

Preamble.

And whereas it is expedient that such surplus should from time to time be deposited in one or both of the chartered banks established in this Island in order that the same may bear interest for the public benefit:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's said Island Antigua, That from and after the passing and publication of this Act it shall and may be lawful for the Treasurer of this Island or his lawful deputy, and he is hereby authorized and required so to do, when and so often as there shall remain in his hands any further or greater sum belonging to the public than shall be required for the immediate disbursements of the colony, to deposit from time to time all such sum or sums of money in either or both of the said chartered banks, at his discretion, in the name of the Treasurer, there to bear interest for the benefit and advantage of the public of Antigua; and after such deposit shall be so made it shall and may be lawful for the said Treasurer or his lawful deputy to draw out the sums so deposited or any part or parts thereof from time to time when and so often as shall be needful for the public uses of the colony.

Treasurer to deposit at interest in one of the chartered banks any balance remaining in his hands after providing for the immediate disbursements of the colony.

Treasurer may draw out such deposits as often as required.

In case of the death of the Treasurer such deposits shall not vest in his personal representative but in his successor.

Treasurer not to be liable for any loss incurred by depositing such sums.

But this Act not to remove the responsibility of Treasurer for his own acts or defaults.

2. That in case of the death of the present or any future Treasurer of this Island such monies so deposited in such banks as aforesaid shall not vest in the executors or administrators of such Treasurer so depositing the same, but the same shall in any such event immediately vest in the successor in office of any such Treasurer, subject to the provision herein-before in that behalf made and declared for the order, disposition, and control thereof; and in case any loss shall happen by reason of the depositing of the public monies pursuant to the directions herein-before contained in both or either of such banks, the Treasurer for the time being and his securities shall not be liable to make good the same, but such loss shall be borne by the public: Provided always, that nothing herein contained shall exonerate or be construed to exonerate such Treasurer and his sureties from any responsibility they shall or may incur by the acts or defaults of the said Treasurer.

Vide Act 27th April 1846, No. 94.

No. 85.

AN ACT to authorize the Appointment of Commissioners of Pilotage and the licensing of Pilots, to establish certain Rates of Pilotage, and to enact Rules and Regulations for the Government of the said Pilots.

[Dated 26th, published 27th March 1844; left to its operation by Order in Council dated 13th September 1845.]

Preamble.

WHEREAS all former Acts in relation to the pilot service of this Island have expired, and it is expedient that provision be made for the appointment of commissioners of pilotage, the licensing of pilots, and the establishment of certain rates of pilotage, and that rules and regulations be enacted for the government of the said pilots:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of the said Island of Antigua, That from and after the passing and publication of this Act it shall be lawful for the Governor of the said Island to issue a commission under his hand and seal constituting and appointing any two members of Her Majesty's Council, any five members of the House of Assembly, any three or more masters of vessels regularly trading or who shall have regularly traded between this Island and any port in Great Britain or Ireland, together with the respective harbour-masters, the resident agent of the association of underwriters in London commonly called Lloyd's, and the resident agent of any other association of underwriters, to be commissioners of pilotage in and for the said Island.

Governor may issue a commission appointing the parties named in clause to be commissioners of pilotage.

Any five of the commissioners (three to be master mariners) may examine candidates for licences as pilots, and may call to their aid any of the senior pilots. Commissioners to certify the names of the parties competent to act as pilots.

On production of such certificate Governor may grant licence to practise as pilot. Fee for licence 20s. sterling.

2. That it shall be lawful for any five or more of the said commissioners, of whom three at least shall be master mariners as aforesaid, with liberty to call to their aid any one or more of the senior pilots, to examine into the qualifications of any candidate for a licence to practise as a pilot and to determine on the merits of such qualifications; and the said commissioners shall from time to time certify to the Governor the names of proper and competent persons duly skilled to act as pilots to all ships or vessels to or from the ports of this Island.

3. That on the production of such certificate it shall be lawful for the Governor to issue a licence under his hand and seal authorizing the party therein named to practise as a pilot according to the terms of the certificate, for which licence the private secretary of the Governor shall be entitled to the fee of twenty shillings sterling.

4. That no person shall be licensed as a pilot who is not a resident in this Island and who has not at the time of his examination by the commissioners aforesaid been employed in the pilot service of this Island for three years, or who shall not have made at least three voyages to this Island as master, mate, or second mate of a square-rigged vessel.
5. That it shall be lawful for the said commissioners and they are hereby required to classify the said candidates according to their knowledge of the several coasts of this Island, and to specify in their certificate to the Governor the particular sides or coasts of the Island for which each candidate shall be found qualified to act.
6. That every commissioner previous to his examination of any candidate for a licence to practise as a pilot shall make a declaration before a justice of the peace to the effect that he will diligently and impartially examine into the skill and capacity of such candidate in the art of piloting ships and vessels into the roadsteads, bays, ports, and harbours of this Island, and further that he will certify the result of such examination to the Governor without fear, favour, partiality, or affection, and to the best of his skill and knowledge.
7. That each of the master mariners being not more than three, and each senior pilot who shall be employed to examine a candidate for licence as pilot, shall be entitled to demand from the said candidate the sum of twenty shillings sterling, which shall be paid before the examination of such candidate and shall not be affected by the result of the same.
8. That notice of the licensing of every pilot shall be inserted in the usual form of Government notices in the official newspaper of the Island published next after the issuing or granting of any such licence.
9. That each of the harbour-masters in this Island shall keep and have suspended in his office fairly and legibly written a list of the names, stations, and other particulars of all pilots duly licensed, specifying also any punishment which may have been inflicted on any such pilot under and by virtue of this Act, and the cause, extent, and duration of such punishment.
10. That once at least in every year each of the harbour-masters in the said Island shall insert or cause to be inserted under his hand in the official newspaper of the Island a correct list of all the licensed pilots registered in his office.
11. That it shall be lawful for the said commissioners or the major part of them to establish rates of pilotage in relation to all pilotage performed to or from any of the roadsteads, bays, ports, or harbours of this Island and from time to time to vary and alter the same, which said rates and amended rates shall, when approved by the Governor, be published in the official newspaper of this Island, and shall be recorded in the offices of the several harbour-masters; and such rates of pilotage so approved and published shall thenceforward have the same effect and operation as if the same were enacted by this Act.
12. That the pilotage limits of this Island shall be, for vessels coming down the south side, Green Island shut in with the east end of the Island, and for vessels coming down the north side, Green Island bearing due south from the vessel.
13. That if any person other than a licensed pilot shall undertake to bring any vessel into or carry any vessel out of any or either of the roadsteads, bays, ports, or harbours of this Island for fee or reward, except as herein-before mentioned, such person shall on conviction thereof forfeit and pay a sum not exceeding twenty pounds.
14. That if any person other than a licensed pilot shall board a vessel beyond the limits and shall be superseded by a licensed pilot boarding such vessel
- Qualification of candidates for licences as pilots.
- Commissioners to classify candidates according to their knowledge of the different coasts of the Island.
- Declaration to be made by commissioners previous to examining candidates.
- Each master mariner and senior pilot employed to examine candidates to receive 20s. sterling from each candidate.
- Notices of licences to be inserted in the official newspaper.
- Harbour-masters to keep lists of licensed pilots.
- Harbour-masters to insert annually in the official newspaper correct lists of pilots.
- Commissioners may establish rates of pilotage, to be approved of by the Governor and published in the newspaper, and to have the same effect as if inserted in this Act.
- Limits of pilotage.
- Penalty on persons other than licensed pilots bringing in vessels to any of the harbours of the Island for hire.
- Division of pilotage money between unlicensed persons tak-

ing charge of vessels beyond the limits and licensed pilots who may afterwards supersede them.

No person to act as pilot until his licence be recorded in the harbour-master's office or without producing his licence to the master of the vessel, under penalty.

Distinction and flag of pilot boats.

Penalty for breach of these regulations.

Penalty on owner or master of vessels carrying a pilot's flag without having a pilot on board.

Penalty on any licensed pilot refusing or declining to go off to any vessel having the signal flying for a pilot.

Penalty on licensed pilots making use of any boats, cable, tackle, &c. beyond what is necessary.

Penalty on pilot lending his licence to any other person.

Pilot when taken on board any vessel to enter his name in the log book. In default to forfeit 10*l*. Harbour-master to ascertain the names of pilots and enter the same.

Unlicensed persons may pilot any vessel provided no licensed

within the limits, such person as aforesaid shall be entitled to such portion of the pilotage money accruing to the licensed pilot as shall be awarded by any justice of the peace.

15. That no person shall take charge of any ship or vessel or in any manner act as a pilot for fee or reward until his licence shall have been recorded by the harbour-master as herein-before provided, nor without having such licence at the time of his so acting in his personal custody, and producing the same to the master of any ship or vessel or other person who shall be desirous of employing him as pilot, or to whom he shall offer his services, on pain of forfeiting for each offence a sum not exceeding twenty pounds.

16. That all pilot boats shall be painted top sides red and white bottom outside, and shall when afloat and having a pilot on board carry in some conspicuous place a flag of the dimensions following; that is to say, four feet by six, half red and half white, divided horizontally, the white uppermost, and shall have the words "Pilot Boat" painted in large and legible characters on each bow, and shall also have the letters P.B. painted in black at least two feet in length on each side of her mainsail, together with the number by which the licence of the pilot to whom she belongs shall be recorded in the office of the harbour-master of the port in which he is registered, and every breach of this regulation shall be punishable by a fine not exceeding ten pounds: Provided always, that it shall be lawful for a pilot to go off to a vessel in a boat not so distinguished as above if he shall take and exhibit the flag above described, and shall upon complaint before any justice of the peace be able to give a satisfactory reason for his conduct to the said justice.

17. That the owner or master of any boat or vessel registered in this Island carrying a pilot's flag without having a licensed pilot on board shall on conviction thereof forfeit and pay for such offence a sum not exceeding ten pounds.

18. That if any licensed pilot shall without sufficient cause refuse or decline to go off to any vessel having the signal flying for a pilot, or upon being required to do so by the master of such vessel, or by any person interested therein as principal or agent, or who shall on any frivolous pretext quit any ship or vessel or decline to pilot the same after he has been engaged so to do, or after going alongside of such vessel, without leave of the master except as herein-after provided, shall on conviction thereof forfeit and pay for every such offence a sum not exceeding twenty pounds.

19. That any licensed pilot employing or making use of or compelling or requiring any person having the charge of any ship or vessel to employ or make use of any boat, anchor, cable, or other tackling beyond what is actually necessary, shall forfeit and pay on conviction thereof for each offence a sum not exceeding ten pounds.

20. That if any licensed pilot shall lend his licence to any unlicensed person to assist him in acting or claiming to act as pilot, such licensed pilot shall be liable to forfeit and pay on conviction thereof for each offence a sum not exceeding ten pounds.

21. That every licensed pilot when taken on board a vessel shall enter or cause his name to be entered in the log book, and if any pilot shall enter or cause to be entered a false name, he shall on conviction thereof forfeit and pay for every such offence a sum not exceeding ten pounds; and the respective harbour-masters are hereby required to ascertain from the master of every vessel arriving in or departing from any ports of this Island the name of the pilot so inserted in the log book and to enter the same in his report to the Governor.

22. That any unlicensed person may offer himself to pilot a vessel so long as no licensed pilot is in sight or offers his services, or if such vessel shall be in

distress: Provided always, that if any unlicensed person shall not deliver the charge thereof after a licensed pilot has offered to come on board and take charge of the vessel (she being at the time within the limits for which he is qualified), such unlicensed person shall on conviction thereof forfeit and pay a sum not exceeding ten pounds.

pilot shall offer himself

23. That in case of stress of weather preventing a vessel being boarded, and such vessel having no licensed pilot on board, if any boat or vessel shall run before such first-mentioned vessel for the purpose of directing her course into port, the pilot on board such boat or vessel, or if there be no pilot on board the master or person having the command thereof, and who shall so run before such vessel at the request or by the direction of the master thereof, shall be entitled to full pilotage for the distance run.

If the weather shall prevent a vessel being boarded, and any boat, &c. shall run before such vessel to direct her, the pilot or master of such boat shall be entitled to pilotage.

24. That in case of the master of any vessel calling at any port of this Island to try the market having a licensed pilot on board, and refusing or neglecting to pay such pilot for his services rendered, it shall be lawful for any justice of the peace to receive the complaint and information of such pilot and the testimony of his witness or witnesses on oath in the absence of the party complained against: Provided always, that the said justice of the peace be first satisfied that due diligence hath been observed by the complainant in endeavouring to serve such Defendant with notice of his complaint.

If master of any vessel shall call at this Island to try the market and refuse to pay pilotage incurred, justice of peace may receive complaint in the absence of defendant if diligence has been used to serve him with notice.

25. That all sums which shall or may become due to any licensed pilot for the pilotage of vessels into or from any of the roadsteads, bays, ports, or harbours of this Island may be recovered from the master or owner of such vessel, or from the consignees or agents thereof, who shall have paid or made themselves liable to pay any other charge on account of such vessel.

From whom sums due for pilotage may be recovered.

26. That in case of any dispute as to the actual draught of water of any vessel, the harbour-master of the port or place in which such vessel shall be lying is hereby authorized and required to ascertain the draught of water of such vessel and to certify the same to all whom it may concern: Provided always, that application for such survey for draught shall be made if the vessel be inwards before any part of her cargo has been unladen, and if outwards before she quits her moorings.

Mode of ascertaining the draught of water of any vessel.

27. That no vessel belonging to this Island under the tonnage of forty tons register shall be compellable to take a pilot, either inwards or outwards.

Vessels under 40 tons not compellable to take a pilot.

28. That vessels bound to this Island except as herein-before excepted shall, if coming from the eastward previously to their making the bearings herein-before described as the limits for licensed pilots, and if coming from any other direction before they approach within three miles of the land, not having a duly licensed pilot on board, display and keep flying the usual signal for a pilot to come on board, and the master thereof shall on the approach of such pilot shorten sail and heave to to facilitate his entry on board such vessel; and for the wilful breach or neglect of either of the provisions of this clause such master shall on conviction thereof forfeit and pay for every such offence a sum not exceeding ten pounds.

Vessels approaching this Island to make signal for pilot, and master of vessel to facilitate the entry on board of such pilot under penalty.

29. That the licensed pilot who shall first offer himself as pilot to take charge of any vessel within the pilotage limits and bound to this Island shall be entitled to demand and receive his full amount of pilotage money, whether his services be accepted or not.

Pilot who first offers himself entitled to pilotage money.

30. That the licensed pilot who shall bring in any vessel shall be entitled to a preference in carrying out the same: Provided always, that such pilot shall not have been guilty of any dereliction of duty in piloting the vessel inwards.

Pilot bringing in any vessel to be preferred in carrying her out.

31. That the blue peter shall be kept flying on board such vessel for at least twelve hours of daylight previous to the time of sailing as a signal to such

Signal to be made for such pilot for 12 hours.

If not able to attend pilot may procure some other pilot for his duty.

Penalty on pilot claiming to take out a vessel he has brought in and refusing to attend or provide a substitute.

Detention money to pilots detained on board vessels for more than 12 hours previous to sailing.

This Act not to prevent masters or owners of vessels from employing any persons to assist their vessels when in distress.

Owners or masters of vessels not to be liable for any damage, &c. from not having a pilot on board unless they have refused or neglected to take such pilot on board.

Owners or masters of vessels not to be liable for any damage arising from the incompetency, &c. of any pilot.

This Act not to deprive parties of their remedies on contracts of insurance.

Penalty on master of vessel making a false report of the draught of water in order to evade the pilotage.

pilot to come on board: Provided always, that if such pilot as aforesaid cannot by reason of illness or other sufficient cause attend for the discharge of such duty, he shall cause some other duly licensed pilot to attend on board such vessel in his stead and behalf.

32. That if any pilot shall claim the right to take out a vessel which he shall have brought in and shall wilfully refuse or neglect to attend or to provide a competent substitute as herein-before provided, such pilot shall on conviction thereof forfeit and pay a sum not exceeding ten pounds.

33. That in case any licensed pilot shall repair on board any vessel preparing to sail and having the prescribed signal flying, and shall be ready and willing to conduct such vessel to sea, and shall nevertheless be detained on board for more than twelve hours before such vessel shall weigh anchor and proceed on her voyage, every such pilot so detained shall be entitled to demand and receive, over and above the prescribed rate of pilotage, detention money at and after the rate of twenty-four shillings sterling for each twenty-four hours of such detention, and so in proportion for any lesser portion of a day, and shall have the like remedy for recovery of the same as is provided in this Act for recovery of pilotage unlawfully withheld.

34. That nothing in this Act contained shall extend or be construed to extend to subject the owner or master of any vessel to any of the penalties of this Act for employing any person or persons whomsoever as a pilot or pilots in and for the assistance of such vessel whilst the same shall be in distress, or under any circumstances which shall have rendered it necessary for such owner or master to avail himself of the best assistance which at the time could be procured.

35. That no owner or master of any vessel shall be answerable for any loss or damage which shall happen to any person or persons whomsoever in consequence of no licensed pilot being on board thereof, unless it shall be proved that the want of such licensed pilot shall have arisen from any refusal to take such licensed pilot on board, or from the wilful neglect of the master of such vessel in not heaving to or using all practicable means consistently with her safety for the purpose of taking on board thereof any pilot who was ready and offered to take charge of the same.

36. That no owner or master of any vessel shall be answerable for any loss or damage which shall happen to any person or persons whomsoever in consequence of any neglect, default, incompetency, or incapacity of any licensed pilot acting in the charge of any such vessel under or in pursuance of any of the provisions of this Act, where and so long as such pilot shall be duly qualified to have the charge of such vessel.

37. That nothing in this Act contained shall extend or be construed to extend to deprive any person or persons of any remedy or remedies upon any contract of insurance or of any other remedy whatsoever which he or they might have had if this Act had not been passed, by reason or on account of the neglect, default, incompetency, or incapacity of any pilot duly acting in charge of any vessel under or in pursuance of any of the provisions of this Act, or by reason or on account of no duly qualified pilot being on board of any such vessel, unless it shall be proved that the want of a pilot arose from a refusal on the part of the master to take such pilot on board or to heave to for him.

38. That any master or person in command of any vessel who shall report or be privy to anyone reporting a false account of the draught of water of such vessel for the purpose of evading the payment of the established rate of pilotage, or who shall for such purpose alter or be privy to the altering the marks on the

stem or stern of such vessel, shall on conviction thereof forfeit and pay a sum not exceeding twenty pounds.

39. That all sums payable for pilotage which shall be unlawfully withheld, all fines, penalties, or forfeitures imposed by this Act, shall and may be levied before any justice of the peace of this Island, and every such justice is hereby empowered and required, upon complaint to him made, to grant a warrant to bring before him the offender or offenders at the time and place in such warrant specified; and if on conviction of the offender or offenders respectively such pilotage money, fine, penalty, or forfeiture shall not be forthwith paid, it shall and may be lawful for such justice to commit every such offender or offenders to the common gaol or house of correction, and if to the latter with hard labour for any time not exceeding three calendar months, unless such pilotage money, fine, penalty, or forfeiture, with costs, be sooner paid and satisfied.

Mode of enforcing payment of pilotage money and the fines imposed by this Act. Vide No. 169, s. 33.

40. That if any pilot shall engage directly or indirectly or permit his vessel to be engaged directly or indirectly in any breach or violation of the revenue laws, and shall be convicted thereof before any justice of the peace, it shall be lawful for the Governor either to suspend such pilot for any given period or absolutely to revoke and annul the licence of such pilot.

Governor may suspend or annul the licence of any pilot engaged or allowing his vessel to be engaged in smuggling.

41. That if any person who shall be summoned before any justice of the peace as a witness upon any such complaint shall refuse or neglect to appear at the time and place specified in such summons, it shall be lawful for such justice, on proof of the service of such summons, to issue a warrant under his hand and seal to bring such person before him, and if on appearance or on being brought before such justice such person shall refuse to be examined on oath concerning the premises without having some just cause for such refusal, it shall be lawful for such justice by warrant under his hand and seal to commit such person to the common gaol for any time not exceeding one calendar month.

Mode of enforcing attendance and evidence of witnesses.

42. That it shall be lawful for the Governor in addition to any pecuniary penalty or imprisonment, in default of payment thereof herein-before provided for the breach or neglect of duty on the part of any pilot, either to suspend such pilot for any given period or absolutely to revoke and annul the licence of such pilot.

Governor may suspend or annul licence in addition to any other penalty imposed on pilots for breach of duty.

43. That in the construction of this Act, unless there be something in the context repugnant thereto, any word denoting the singular number or the male sex shall be taken to extend to any number of persons or things and to both sexes.

Construction of words denoting singular number or male sex.

44. That all fines and penalties payable by virtue of this Act under the order of any magistrate shall be held to be sterling money, and shall be paid to Her Majesty, Her heirs and successors, for the public uses of this Island and the support of the Government thereof.

All fines, &c. imposed by this Act to be in sterling money and paid to the Crown for the use of this Island.

45. That for the purpose and within the meaning of this Act the officer for the time being administering the government of this Island shall be deemed and taken to be the Governor thereof.

Officer administering government to be deemed the Governor.

No. 86.

Vide Acts Nos. 87, 100, 111, 114, 116, 211. AN ACT to authorize the Appointment of certain Commissioners to be called

"The Commissioners of the Loan from Her Majesty's Government to the Island of Antigua," to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned.

[Passed in October 1843; Dated 1st July 1844; Specially confirmed by Order in Council dated 23rd May 1844; Published at Antigua, 2nd July 1844.]

Preamble.

WHEREAS by an Act of the Imperial Parliament passed in the sixth and seventh year of the reign of our present most Gracious Queen Victoria, intituled "An Act for granting Relief to the Islands of Antigua, Saint Kitts, Nevis, "Dominica, and Montserrat," it is enacted that it shall be lawful for the Commissioners of Her Majesty's Treasury to lend Exchequer bills for a sum not exceeding one hundred thousand pounds sterling for the service of the Island of Antigua to such person or persons as shall be duly authorized by any Act or Acts passed or to be passed by the Legislature of the said Island to borrow the same on the credit of the revenues of the said Island, as soon as the said commissioners shall be satisfied that repayment of the sum so to be advanced (with interest thereon) at the yearly rate of four pounds by the hundred is duly secured to the satisfaction of the said commissioners by some Act or Acts passed or to be passed by the Legislature of the said Island:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's said Island of Antigua, That from and after the passing and publication of this Act it shall be lawful for the Governor to issue his commission to one member of Her Majesty's Council and three members of the House of Assembly constituting them commissioners of the loan from Her Majesty's Government to the Island of Antigua; and from time to time, in case of the death or refusal or incapacity to act of any of the said commissioners, to appoint some other member or members of Her Majesty's Council and of the House of Assembly (as the case may be) to be a commissioner or commissioners to act in the execution of this Act.

Appointment of
Commissioners.
Nos. 111, 116.

Their tenure of office.
No. 116.

Commissioners to
make a declaration as
to the faithful ex-
ecution of their duties.

Commissioners autho-
rized to borrow from
the Lords of the
Treasury Exchequer

2. That the said commissioners shall hold their appointment during the pleasure of the Governor, and subject thereto shall, notwithstanding any dissolution of the House of Assembly, continue in the execution of the trusts, powers, and authorities in them vested; and if any commissioner appointed from the House of Assembly shall fail to be elected a member of the next House of Assembly he shall cease to be a commissioner, and it shall be lawful for the Governor to appoint another or others from the House of Assembly in his or their place and stead.

3. That the said commissioners before they shall enter upon the execution of the trusts, powers, and authorities herein-after confided to them shall make a solemn declaration before the Governor for the faithful and impartial execution of the said trusts, powers, and authorities.

4. That it shall be lawful for the said commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer bills for a sum not exceeding one hundred thousand pounds sterling at the rate of four pounds per

centum per annum interest, to be repaid by ten equal annual instalments (with the right nevertheless to the said commissioners to make repayment in less time), the first of such instalments to be paid with the interest which shall then have accrued due on or before the first day of August one thousand eight hundred and forty-six, and the remaining instalments with interest as aforesaid on the first day of August in each succeeding year.

5. That in case default shall be made by the said commissioners in the payment of the said principal and interest monies at the respective times appointed for payment of the same, the amount of the said principal and interest monies so at any time due and owing is hereby declared to be a first lien upon the general revenues of the Island; and it shall be lawful for the Governor to draw upon the Treasurer in favour of the said commissioners for the amount of such principal and interest monies, and the Treasurer is hereby authorized and required to pay the same accordingly in preference to any debt then due or thereafter to become due from the public of this Island.

6. That the said commissioners shall of the said sum of one hundred thousand pounds sterling reserve a sum not exceeding twenty thousand pounds sterling, to be held at the disposition of the Legislature for the restoration of the public buildings of the Colony, and it shall be lawful for the said commissioners to lend the balance of the said sum of one hundred thousand pounds sterling to owners of and persons interested in landed property which sustained injury by the calamitous earthquake of the eighth of February last; and it shall be lawful for the said commissioners to make advances to lessees who sustained injury as aforesaid, provided the said lessees are enabled to give adequate landed security for the repayment of such advances: Provided always, that no loan be made by the said commissioners amounting to less than fifty pounds sterling.

7. That every applicant for relief from the said loan shall furnish to the commissioners, in form to be by them prescribed, a statement in writing containing the particulars and amount of injury sustained and of the security proposed, and every such applicant shall previously to obtaining such relief be required to make a solemn declaration before the said commissioners for the faithful application of the money borrowed to the restoration of his works or buildings; to the reimbursement of sums already advanced for such purpose, or in such other manner as shall tend to restore the value of the property upon which the same shall be secured, or in the case of lessees to the restoration of the property on account of which the loan has been required; and if any person shall wilfully make such declaration falsely such person shall be deemed guilty of perjury and shall be punished accordingly.

8. That all and every the sum and sums of money lent by the said commissioners shall be acknowledged by a receipt, in duplicate, in a form to be prescribed by the said commissioners, specifying the property on which the sum advanced is secured, and signed by the borrower or his representative, one of which receipts the said commissioners shall preserve in the records of the said commission and the other of such receipts they shall deliver or cause to be delivered to the register of deeds, who shall in a book to be appropriated to such purpose record or cause the same to be recorded at length and afterwards filed in his office, and for the record of every such receipt the said register shall be entitled to a fee of nine shillings currency, to be charged against the public, and the record so made in the register's office shall be open to public inspection on payment by the party desiring to inspect the same to the registrar of a fee of two shillings and threepence currency; and if the said register shall fail to record such receipt, or shall fail to file the same in his office, he shall for every such offence be liable to a penalty not exceeding fifty pounds currency, to be

bills to the amount of 100,000*l.* sterling at 4 per cent. to be repaid by 10 annual instalments.

[Repealed as regards Government drawing on the Treasury in favour of the commissioners, and another mode appointed by Act No. 87.]

Commissioners to reserve 20,000*l.* for restoration of public buildings, and out of the remainder to make advances to persons interested in landed property damaged by the late earthquake.

Lessees.
No loan to be under 50*l.* sterling.

Statements of injuries to be furnished to commissioners by applicants, who shall make a declaration for the faithful application of the monies advanced.

Declaration falsely made to be deemed perjury.

Receipts for monies advanced.

Fee since abolished.
No. 220.

recovered by action of debt in the Court of Common Pleas, at the suit of the Treasurer or his deputy, for the use of the Colony.

Sums advanced to be the first lien on the property on which they are secured.

9. That all and every the sum and sums of money so lent by the said commissioners shall be a charge as the first lien on the property on which the same is or are secured, and shall have priority over all mortgages, judgments, executions, and other claims, charges, and securities charged upon or affecting the said property, and shall be good and effectual against and have priority over all remainders, reversions, and limitations.

Advances may be made on property in St. John's not exceeding the value of the land.

10. That the said commissioners shall decide according to their judgment and discretion upon the sufficiency of the security tendered to them; and that in the case of advances on property in the city of Saint John, or any of the towns of this Island, the advance so made shall not exceed the actual and just value of the land thereof: Provided always, that if the borrower shall give other landed security in aid of the property entitled to the advance, then and in such case the said commissioners shall have regard to such additional security and extend the advance as to them shall seem safe and proper.

Sums advanced to bear interest at 5 per cent. and to be repayable by 10 annual instalments.
Vide No. 100, s. 1.

11. That the sums so lent by the said commissioners shall bear an interest of five pounds *per centum per annum*, and shall be payable by the parties obtaining the same by ten equal annual instalments (with the right nevertheless to the said parties to make repayment in less time), the first of such instalments, with the interest which shall then have accrued due, to be paid on the first of May one thousand eight hundred and forty-five, and the remaining instalments, with interest as aforesaid, on the first of May in each succeeding year; and in default of payment of the said principal and interest monies, or any part thereof, at the days and times appointed for payment of the same, the said commissioners are hereby authorized and required to issue a warrant under their hands and seals, or the hands and seals of any three of them, directed to the provost marshal, commanding him to levy on the goods and chattels of the person so in default for the sum or sums mentioned in the said warrant, and for want of such goods and chattels of such person to levy on his lands and tenements and to sell the same in manner herein-after directed.

In default of payment of any instalment commissioners to issue a warrant to provost marshal to levy the amount on the goods of any defaulter.

Penalty on any commissioner failing to issue such warrant.
Vide No. 100, s. 1.

12. That if the said commissioners shall fail to issue their warrant as aforesaid every commissioner to whom such default shall be attributable shall be liable to a penalty of five hundred pounds sterling, to be recovered by an action of debt in the Court of Common Pleas, at the suit of the Treasurer or his deputy, for the use of the Colony.

Mode of sale of goods or lands levied on under this Act.

13. That when any goods or chattels, lands and tenements, shall have been so levied upon by the provost marshal, such goods and chattels, lands and tenements, shall be sold in the same manner as goods and chattels, lands and tenements, are directed to be sold under execution issuing out of the Court of Common Pleas of this Island: Provided always, that in the case of the sale of lands and tenements the purchaser shall pay a deposit of twenty pounds *per centum* on the amount of the purchase money thereof, and shall within thirty days from the date of the sale pay to the provost marshal the balance of the said purchase money; and in case the said purchaser shall not within thirty days as aforesaid complete the said purchase the benefit of such purchase shall be lost to him, and the deposit of twenty *per centum* as aforesaid shall be forfeited to the said commissioners for the use of the commission, and the property shall be resold by the said provost marshal within ten days from the day of the default of such purchaser.

Application of the proceeds of such sales.

14. That the provost marshal shall, by and out of the proceeds of the sale of any goods and chattels, lands and tenements, as aforesaid, pay and satisfy the amount so due and owing to the said commissioners, and after payment of all

costs and expenses incurred in such levy and sale pay the surplus of such proceeds to the owner of such goods and chattels, lands and tenements.

15. That all lands and tenements other than the lands and tenements of lessors sold by the provost marshal by virtue of this Act shall be sold subject to and charged with the payment of all and every the sum and sums of money advanced on the security thereof, and payable to the said commissioners, and subject as aforesaid shall be conveyed by the said provost marshal to the purchaser thereof in fee simple.

Lands sold under this Act to be conveyed to the purchasers in fee simple subject only to the payment of sums due to commissioners.

16. That the lands and tenements of lessors so sold by the provost marshal shall be sold subject to the rights and interests of the lessee therein, and subject and charged also with the payment of all and every the sum and sums of money advanced on the security thereof, and payable to the said commissioners, and subject as aforesaid shall be conveyed by the said provost marshal to the purchaser thereof in fee simple.

Lands of lessors to be sold subject to lessee's right and to the payment of sums advanced by the commissioners.

17. That it shall be lawful for the said commissioners to direct the payments to be made by the parties borrowing as aforesaid to be made to one or other of the branch banks established in this Island, and to open an account with such bank, to be entitled "The Account of the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua," to the credit of which account shall be placed the sums so directed to be paid in and collected accordingly at the said bank, and the said commissioners shall from time to time and with the least practicable delay apply the sums by them received to the payment of the principal monies and the interest thereof so borrowed from the Commissioners of Her Majesty's Treasury in manner directed by the eighth clause of the herein-before in part recited Imperial Act, entitled "An Act for the Relief of the Islands of " Antigua, Saint Kitts, Nevis, Dominica, and Montserrat."

Commissioners may open an account with one of the branch banks and direct payments to be made there.

Application of monies received in payment.

18. That the said commissioners shall keep or cause to be kept in books suitable to the purpose a record of the sums by them received from the Commissioners of Her Majesty's Treasury and the interest payable thereon, and of all charges and expenses incurred in relation thereto, of the applications made to them by persons desirous of borrowing, and the particulars of damage or loss sustained, of the sums by them lent, to whom and on whose application the same were lent, and the security on which the same stand charged, of the principal and interest monies received on account, and of the appropriation of the same, with all costs, charges, and expenses connected with or incidental to the same; and the said commissioners shall preserve all books, papers, accounts, and vouchers in relation to the said commission, and shall once in every year, or oftener if the same shall be directed by the Governor, make a full and detailed report of their proceedings to both Houses of the Legislature.

Commissioners to keep books and vouchers as to their proceedings.

19. That no part of the said monies borrowed from the Commissioners of Her Majesty's Treasury shall be lent to any commissioner to be appointed by virtue of this Act, either on his own account or as the agent or representative of another.

No advance to be made to any commissioner.

20. That the representative or agent of any absent proprietor who shall apply for relief from the said loan shall produce to the said commissioners his power and authority to make such application and to receive such relief.

Agent of absent proprietor applying for loan to produce his authority.

21. That no mortgagor shall be permitted to receive relief from the commissioners without the express sanction of the mortgagee, where the latter is willing himself to make the necessary advance on terms equally advantageous to the borrower.

Mortgagor not entitled to advance without consent of mortgagee when latter is willing to make the advance.

22. That it shall be lawful for the Governor at all times to call for and inspect the records, books, papers, accounts, and vouchers in relation to the said commission; and in case of a difference of opinion and equality of votes the said

Governor may inspect the books, &c. of the commission, and de-

cide in an equality of votes.

Dealings with the loan money to be with the approbation of the Governor.

Governor may issue instructions to be approved by the Council and Assembly to the commissioners.

Salary of commissioners.

How commissioners salaries are to be provided.

Three commissioners to be a board.

Construction of words denoting male sex or singular number.

Officer administering government to be deemed the Governor.

commissioners shall make reference to the Governor, whose decision shall upon the point in question be final and conclusive.

23. That every application by the said commissioners to the Commissioners of Her Majesty's Treasury for advances on account of the said loan, together with the subsequent dealing with and appropriation of such advances, shall be made subject always to the approbation of the Governor.

24. That for the more effectual accomplishment of the purposes of this Act it shall be lawful for the Governor, in all cases not herein-before specially provided for, to issue instructions, to be approved by the Council and Assembly, to the said commissioners for their guidance and government.

25. That the said commissioners shall receive a salary of two hundred and fifty pounds sterling each for the first year, two hundred pounds sterling for the second year, and one hundred pounds sterling for every succeeding year until the loan account shall be closed, which said respective sums shall be deemed and taken to be a full and absolute compensation for office rent, clerk hire, stationery, and other incidental expenses.

26. That in order to create a fund for the payment of such salaries the said commissioners shall reserve one-fifth part of the interest payable by the parties to whom advances shall be made, and the amount so reserved shall constitute the fund upon which the said salaries shall in the first instance be chargeable: Provided, nevertheless, that so long as the said fund shall be inadequate to the purpose aforesaid it shall be lawful for the said commissioners to draw upon the principal monies so borrowed from the Commissioners of Her Majesty's Treasury for the amount required for the payment of the said salaries, and when and so soon as the said fund shall be more than adequate to such purpose the said commissioners shall apply the surplus to make good any incidental deficiency which may arise by way of loss of interest or otherwise in the conduct and management of the said loan; and if at the termination of the said commission any further surplus shall remain of the said fund such surplus shall be paid by the said commissioners to the Treasurer, to be carried to the credit of the public account, and if on the contrary there shall at such termination aforesaid be a deficit, such deficit shall be paid by the order of the Governor to the said commissioners by the Treasurer out of the general funds of the Colony.

27. That any three of the said commissioners shall constitute a board for the purposes of this Act.

28. That in the construction of this Act, unless there be something in the context repugnant thereto, any word denoting the singular number or the male sex shall be taken to extend to any number of persons or things and to both sexes.

29. That for the purposes of this Act the officer for the time being administering the government of this Island shall be deemed and taken to be the Governor thereof.

No. 87.

AN ACT to amend an Act intituled "An Act to authorize the Appointment of certain Commissioners to be called 'The Commissioners of the Loan from Her Majesty's Government to the Island of Antigua' to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned."

[Passed in March 1844; Dated 1st July 1844; Specially confirmed by Order in Council dated 23rd May 1844; Published at Antigua 2nd July 1844.]

WHEREAS it is expedient that provision be made in case of default by the commissioners of the loan from Her Majesty's Government to the Island of Antigua in the payment of the principal monies or the interest thereof borrowed from the Commissioners of Her Majesty's Treasury at the respective times appointed for the same for securing the payment of such principal and interest monies by the Treasurer of the Island to such person or persons as may be authorized to receive the same on behalf of the Commissioners of Her Majesty's Treasury:

Preamble.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's said Island of Antigua, That from and after the passing and publication of this Act so much of the fifth clause of the said Act, entitled "An Act to authorize the Appointment of certain Commissioners to be called 'The Commissioners of the Loan from Her Majesty's Government to the Island of Antigua,' to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned," as declares that it shall be lawful for the Governor to draw upon the Treasurer in favour of the said commissioners for the amount of any principal and interest monies which shall be due and owing by the said commissioners to the Commissioners of Her Majesty's Treasury shall be and the same is hereby repealed.

Repeal of so much of the 5th clause of Act No. 86 as relates to the Governor drawing upon Treasurer in favour of loan commissioners.

2. That in case default shall be made by the said commissioners in the payment of the principal monies or the interest thereof borrowed from the Commissioners of Her Majesty's Treasury at the respective times appointed for payment of the same, it shall be lawful for the Governor or officer for the time being administering the government of this Island to direct the Treasurer to pay to such person or persons as may be authorized to receive the same on behalf of the Commissioners of Her Majesty's Treasury the amount of such principal and interest monies, and the Treasurer is hereby authorized and required to pay the same accordingly in preference to any debt then due or thereafter to become due from the public of this Island.

In case of default being made by the commissioners in payment of any instalment Governor may authorize the Treasurer to pay the same to any person appointed by the Lords of Her Majesty's Treasury.

No. 58.

AN ACT for the Punishment of Persons guilty of cruel and improper Treatment of Animals or unlawfully using Beasts at Pasture or otherwise.

[Dated and published 12th July 1844; Left to its operation by Order in Council dated 8th November 1844.]

Preamble.

WHEREAS it is expedient to make provision for the summary and effectual punishment of persons guilty of cruel and improper treatment of animals or unlawfully using beasts at pasture or any other place:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the passing and publication of this Act if any person shall wantonly and cruelly beat, ill-treat, abuse, or torture any horse, mare, colt, filly, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog, or cat, whether such person be the owner or not, every such offender being convicted thereof before a justice of the peace shall for every such offence forfeit and pay such a sum of money not exceeding four pounds eight shillings and tenpence halfpenny sterling with costs as to such justice shall seem meet, or such justice shall and may commit such offender to the gaol with or without hard labour for any period not exceeding thirty days, without prejudice to any other remedy any party aggrieved by or in consequence of such cruel treatment may have or be entitled to resort to against any such offender.

Cruelty to animals
how punishable.

No. 169, s. 33.

Constables, peace
officers, or the owners
of animals may arrest
offenders without
warrant.

2. And for the more easy and effectual apprehension of all offenders against this Act, be it enacted, That it shall be lawful to and for any constable or peace officer, or for the owner of any such cattle or animal or his agent, upon view of any such cruelty as aforesaid, or upon the information of any other person, to seize and secure by the authority of this Act, and forthwith and without any other authority or warrant to convey any such offender before any justice of the peace to be dealt with according to law, and such justice shall forthwith proceed to examine upon oath any such witness or witnesses who shall appear or be produced to give information touching such offence.

Persons keeping pits
for cock fighting
how punishable.

3. And whereas cruelties are promoted and encouraged by the fighting of cocks and by persons aiding and assisting therein, and the same are great nuisances and annoyances in the neighbourhood in which they are situate and tend to demoralize those who frequent such places: Be it therefore enacted, That if any person shall keep or use any house, room, pit, ground, or other place for the purpose of cock fighting, or preparing cocks or other animals for fighting, every such person shall be liable for each and every such offence to a penalty not exceeding four pounds eight shillings and tenpence halfpenny sterling with costs, which penalty shall be recovered in a summary manner before any justice of the peace, or such justice shall and may commit such offender to the gaol with or without hard labour for any period not exceeding thirty days: Provided always, that the person who shall act as the manager of any such house, room, pit, or other place, or who shall receive any money for the admission of any person thereto, or who shall assist in any such fighting or preparation for fighting, shall be deemed and taken to be the keeper of the same for the purposes of this Act, and be liable to all such penalties as are by this Act imposed upon the person who shall actually keep such house, room, pit, ground, or other place for the purposes aforesaid.

Who to be deemed
keeper of the cock-
pit.

4. That the prosecution of every such offence shall be commenced within one calendar month next after the commission of the offence and not otherwise. Offences to be prosecuted within six months.
5. And whereas horses, mulcs, and asses are frequently taken out of their pastures, enclosures, stables, feeding ground, or other places, and ridden or used in the carrying of loads or burdens or dragging of carriages, by persons having no property therein, and without the consent of the owner: Be it enacted, That if any person shall catch, take, or drive, or attempt to take, catch, or drive any horse, mare, filly, gelding, colt, mule, or ass from or out of any pasture, enclosure, stable, feeding ground, or other place for the purpose of riding or of using the same in the carrying of loads or burdens or the dragging of carriages, without the consent of the owner or person entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, every such offender shall on conviction before a justice of the peace forfeit and pay a sum not exceeding four pounds eight shillings and tenpence halfpenny sterling, or be committed to the gaol with or without hard labour for a period not exceeding thirty days, at the discretion of such justice, besides being liable to an action at the suit of the party injured or aggrieved thereby. Persons taking horses out of any pasture or stable for the purpose of riding or drawing, &c. without consent of the owner how punishable.
6. That in all cases where the justice shall impose a pecuniary penalty under this Act one moiety thereof shall be paid into the treasury for the uses of this Island, and the other moiety to the person who shall inform and prosecute for the same; and such informer shall be a competent witness notwithstanding he may be entitled to such part or proportion of such pecuniary penalty on the conviction of the offender, if the same shall be inflicted and paid. Application of penalties.
Informer to be a competent witness.

No. 89.

AN ACT to repeal in part an Act intituled "An Act for dividing the Island into Parishes and Maintenance of Ministers and the Poor, and erecting and repairing Churches, to declare the Legality of Marriages performed by other Ministers than those of the Established Church, and for the due Regulation of the same." No. 150, s. 26.
[Passed in March 1844; Dated 29th July 1844; Specially confirmed by Order in Council dated 19th June 1844; Published at Antigua 30th July 1844.]

WHEREAS by an Act of this Island passed in the year one thousand six hundred and ninety-two, intituled "An Act for dividing the Island into Parishes and Maintenance of Ministers and the Poor, and erecting and repairing Churches," it is enacted in the eighteenth clause thereof "that no minister not duly qualified as aforesaid" (*viz.* "according to the canons of the Church of England by having taken deacon's and priest's orders") "presume to marry any person or persons whatsoever under the penalty of twenty pounds current money of this Island, and upon proof made of any unlawful marriage before any two justices within the said precincts the said penalty to be levied to the use of the parish as in cases of further forfeitures:" Preamble.
Recites Act of 1st July 1692, since repealed.

And whereas it is considered just and expedient that the same should be repealed:

We, therefore, Your Majesty's dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained,

Repeal of the 18th clause of Act of 1692.

Marriages solemnized by ministers of certain denominations other than the Established Church to be deemed valid, subject to the provisions hereafter enacted.

Banns of marriage may be published in any place of worship licensed by the Governor for solemnization of marriages.

Certificate of publication of banns to be given to the parties, and on production of such certificate minister to solemnize marriage between them.

Marriage to take place between 8 and 12 in morning, and when not according to the Established Church parties to subscribe the form in schedule. No minister compellable to publish banns without seven days notice, nor shall it be

and be it and it is hereby enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of this Your Majesty's Island of Antigua aforesaid, That the before recited portion of the eighteenth clause of the above-recited Act be repealed, and the same is hereby repealed accordingly.

2. That all marriages which may hereafter be performed and solemnized by ministers of the Christian religion not of the Established Church, *viz.*, by the ministers of the Church of the United Brethren, of the Wesleyan Methodists, and of the Presbyterian Church, and according to the particular form or ceremony adopted by the religious sect or body to which they may respectively belong, shall be held and are hereby declared to be to all intents and purposes whatsoever as legal, valid, and effectual as if the same had been performed by a minister of the Church of England: Provided always, that the parties applying to be married do not come within the degrees of consanguinity or affinity prohibited by the ecclesiastical or canon law: Provided, nevertheless, that all such ministers of religion not of the Established Church shall be governed and bound by the regulations herein-after enacted.

3. That from and after the passing of this Act it shall be lawful for banns of marriage between parties desirous of being joined together in matrimony to be published in any place of religious worship duly licensed by the Governor or officer administering the government for the time being for the solemnization of marriage, who is hereby authorized and empowered to license the same, and such publication shall be made in an audible manner some time during public divine service, on a Sunday, in the face of the congregation to which both or one of the parties whose banns are to be published shall be considered to be attached, and shall contain the christian or other name and surname and place of abode of each of the said parties, and shall be so published for three successive Sundays preceding the solemnization of the marriage during the morning service, if there be service in the morning, or if there shall be no morning service then during the evening service; and if the parties to be married shall be of different congregations, the banns shall be published in like manner before each of the congregations to which the said parties may respectively belong, whether both the said congregations shall assemble in the same parish or not; and in cases where the banns shall have been published in different places the officiating minister, under a penalty of thirty pounds sterling, at either of the said places shall, at the request of both or either of the parties whose banns shall have been duly published as aforesaid, without objection having been made thereto, give to the party requiring the same a certificate of the banns having been published in the place of which he is an officiating minister, and on the production of such certificate to the officiating minister of the other place where the banns were published, or of such certificates to any other such minister as aforesaid, it shall be lawful for such minister on receiving such certificate or certificates (one or both, as the case may be,) to solemnize matrimony between the said parties according to the form and ceremony which shall be in use or be adopted by the persuasion to which the minister solemnizing such marriage shall belong; provided that such solemnization shall take place between the hours of eight and twelve in the morning, and that whenever the form and ceremony used shall be other than that of the United Church of England and Ireland each of the parties shall in some part of the ceremony make the declaration according to Schedule A.

4. That no minister shall be obliged to publish banns between any persons whomsoever unless the persons to be married shall, seven days at the least before the time required for the first publication of such banns respectively, deliver or

cause to be delivered to such minister a notice of their true christian and other names and surnames, and a description of their place or respective places of abode; and it shall not be lawful for any minister to solemnize any marriage after three calendar months from the last publication of banns of such marriage; and in all cases where three calendar months shall have elapsed without the marriage having been solemnized the publication of such banns shall be void, and before the said parties can be married by banns it shall be necessary to republish the banns anew as if no banns had ever been published between them.

lawful for him to solemnize marriage after three months from the publication of the banns.

5. That no such minister as aforesaid who shall solemnize any marriage after due publication of banns as aforesaid between persons both or one of whom (not being a widow or widower) shall at the time of such marriage be under legal age, shall be answerable or responsible, or liable to any pain, penalty, or proceeding for having solemnized such marriage without the consent of the parents or guardians, or other persons (if any) whose consent is required by law, unless such parent or guardian or other person, or one of them, shall forbid the marriage, and give notice thereof to such minister before he has solemnized the same; and in case such marriage shall be forbidden as aforesaid, and such notice shall be given as aforesaid, the publication of the banns for such marriage shall be absolutely void.

Ministers performing marriage as aforesaid between persons under age not to be liable to any penalties unless parent or guardian forbid the banns.

6. That it shall be lawful for the Governor or person exercising the functions of Governor for the time being to issue licences to marry, directed to any such dissenting minister as aforesaid, in the same manner as licences now are and heretofore have been issued to clergymen of the Established Church, which licence shall authorize the solemnization of the marriage in respect of which such licence is applied for by any minister by whom such marriage could have been solemnized by virtue of this Act if banns thereof had been published as aforesaid: Provided always, that the marriage be solemnized in a place duly licensed as aforesaid.

Governor may issue licences to dissenting ministers to perform marriages without banns.

7. That it shall be lawful for the Governor or officer administering the government for the time being to appoint a functionary for the purposes of this Act, to be known and designated by the style of "Registrar of Marriages," who shall perform all the duties as prescribed by this Act, and in default thereof shall be liable to the penalties as herein-after enacted.

Governor may appoint a "registrar of marriages."

8. And whereas it is necessary to preserve evidence of the solemnization of marriages and to make the proof thereof certain and easy, and for the direction of such ministers as aforesaid in the registration thereof: Be it further enacted, That from and after the passing of this Act all marriages shall be solemnized in the presence of two or more witnesses besides the minister who shall solemnize the same, and that immediately after the solemnization of every marriage an entry thereof shall be made in a marriage register book to be kept for that purpose by some such minister as aforesaid, and in every such entry in every such register it shall be expressed that the marriage was had by banns or licence, and if both or either of the parties married by banns be under age and not a widow or widower, that it was had with consent of the parents or guardians or other person having lawful authority to withhold consent to the marriage, and shall be signed by the minister with his proper addition and by the parties married, and shall be attested by such two witnesses, and every such entry shall be in the form annexed to this Act in Schedule B.; and of every such entry at the same time before the parties depart shall then and there be made, on a separate piece of paper, parchment, or vellum, a duplicate original register in which the same matter shall be entered and signed and attested by the same parties in the form annexed in Schedule C., which said duplicate original register shall be left

Every marriage to be solemnized before two witnesses, and to be registered according to Schedule B. by the minister.

Duplicate of such register to be forwarded to the registrar of marriages, to be filed and recorded by him.

in the hands of the minister by whom the marriage was solemnized, and every such duplicate original register shall within six calendar months from the date thereof be transmitted to the registrar of marriages, and all such duplicates shall be filed and recorded in a book to be by him the said registrar kept and safely preserved by him in his office, and every such original register, and also every copy thereof certified under the hand of the registrar of marriages to be a true copy, shall respectively be good evidence of the facts therein recorded in pursuance of this Act in and before all courts and proceedings whatsoever in which it shall be necessary to give evidence of the marriage to which the same shall relate.

Any minister contravening the provisions of this Act to be deemed guilty of a misdemeanor punishable by imprisonment for 12 months or a fine.

No. 96.

Persons may search registries and have copies of any entries therein.

9. That any minister who shall solemnize any marriage under and by virtue of this Act in any way contrary to the provisions thereof, or shall be guilty of negligence or wilful default in the registration or copying of the entries of such marriages and transmitting the same to the office of the registrar of marriages in the manner directed in and by this Act, shall be deemed and considered to be guilty of a misdemeanor, and upon conviction in the Court of Queen's Bench and Grand Session of the Peace shall be punished by imprisonment for a period not exceeding twelve months or by fine not exceeding *one hundred pounds* for every such offence.

10. That it shall be lawful for all persons at all reasonable times in the day (except Sundays and holidays declared by law) to search the original register book and also the file of duplicate original registers, in the presence of the person for the time being having the care of the same respectively or his deputy, and to have a true copy or true copies of any entries or entry therein, or filed as aforesaid, certified under the hand of the minister or officer for the time being respectively having the custody of the original or duplicate original register as aforesaid (as the case may be), which true copies or copy such minister or registrar of marriages is hereby required to make, examine, and certify under his hand to be a true copy in the form of the duplicate original register, except that the same shall be headed "certified copy (or copies) of original (or duplicate original) marriage register" (as the case may be), and shall be dated on the day, month, and year when the same shall be delivered.

Fees to the registrar.

11. That in order to meet the expense, and as a remuneration for the trouble occasioned by the performance of any duty under this Act, the fees stated in the Schedule D. annexed to this Act shall be demandable and paid by the parties applying before the performance of the duty to which the same respectively relate.

Obliterating or destroying any original or duplicate register to be felony punishable by imprisonment not exceeding two years.

Forging the register felony punishable by imprisonment for not less than six months or more than three years.

No. 150, s. 26.

12. That if any person or persons shall unlawfully, wilfully, and maliciously erase, obliterate, or destroy, or cause or procure to be erased, obliterated, or destroyed any such original register or duplicate original register as aforesaid, such person or persons shall be deemed guilty of felony, and on being duly convicted thereof shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding two years; and if any person or persons shall wilfully forge or alter, or falsely make or cause or procure or permit to be forged or altered or falsely made any such original register or duplicate original register, or any certified copy thereof respectively, or shall knowingly and wilfully deliver, offer, utter, or put off any such forged, false, or altered copy, he or they shall be liable for such offence on conviction thereof to be imprisoned in such gaol or house of correction as aforesaid for any term not exceeding three years and not less than six months, with hard labour.

Registrar of marriages guilty of default in his duty to be deemed guilty of a misde-

13. That if the said registrar of marriages shall be guilty of negligence or wilful default in filing and recording every duplicate original register of marriage to be transmitted to him as herein-before enacted, or shall in any

meanor punishable
by imprisonment for
12 months or fine.

No. 96.
Act not to be in force
until allowed by Her
Majesty.

Examined with the original register by and found to be correct—A.B.

SCHEDULE D.

DOCKET of FEES demandable under this Act.

For registering a marriage and transmitting the duplicate original to the registrar of marriages, the sum of two shillings sterling.
 For filing and recording the same by registrar, the sum of four shillings sterling.
 For every certified copy of entry of marriage as aforesaid, the sum of two shillings sterling.

No. 90.

Registration Act,
No. 146.

AN ACT for the better Regulation of Elections of Members of the Assembly.

[Dated 31st March 1845 ; Specially confirmed by Order in Council dated 3rd February ; Published in Antigua 31st March 1845.]

Preamble.

WHEREAS it is expedient that the qualifications of members to be elected to serve in the Assembly should be determined, and that the nature and extent of the elective franchise should be defined and regulated as is herein-after provided :

Qualifications of
members of As-
sembly.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the passing of this Act every male subject of Her most Gracious Majesty who shall have attained the age of twenty-one years, not being a clerk in holy orders nor other minister of religion, nor otherwise legally disqualified, and who shall be absolutely and beneficially seised and possessed as owner and proprietor of any extent of real property of the annual value of *one hundred and fifty pounds*, or who shall be in the receipt of a yearly income of *one hundred and fifty pounds* currency arising by virtue of an annuity upon or beneficial interest in some real property within this Island, or possessing a yearly income of *four hundred and fifty pounds* derived from the exercise of some occupation, profession, business, or trade carried on and practised within the said Island, shall be qualified to be elected a member of the Assembly to represent any division, city, or town in this Island ; and every candidate at any election for a member of the Assembly before any vote shall be polled in his favour shall declare in writing his qualification as aforesaid, and (in the event of his having been returned) shall on the occasion of any inquiry or scrutiny which may be instituted touching the sufficiency thereof prove the same before the House of Assembly, and in the event of proof that the member returned does not possess the qualification as aforesaid then his seat shall be declared to be vacant and the election to be null and void.

No. 96.

Candidates before the
poll to declare their
qualification in
writing.

English Harbour to
be a town within this
Act.

Number of members
returnable by each
division and town.
[Barbuda added as an
electoral division by
No. 139.]

2. That English Harbour for the purposes of this Act shall be taken and considered as a town.

3. That the city of Saint John shall return four members ; the division of Saint John, two members ; the division of Dickenson's Bay, two members ; the division of Popeshead, two members ; the division of Five Islands, one member ; the division of Old Road, Bermudian Valley, and New Division, two members ; the division of New North Sound, two members ; the division of Old North Sound, two members ; the division of Nonsuch, two members ; the division of Belfast, two members ; the division of Willoughby Bay, two members ; the division of Falmouth and Rendezvous Bay, two members ; the towns of English

Harbour and Falmouth conjointly, one member; and the town of Parham, one member;—to serve as representatives in the Assembly of this Island.

4. That the voters in the towns of English Harbour and Falmouth and in the town of Parham shall not by virtue of their town qualifications have any right to vote at the election of a member or members for the division in which these towns are respectively situated.

Voters for English Harbour and Parham not to vote for the divisions on their town qualifications.

5. That every male subject of Her Majesty who shall have attained the age of twenty-one years and who shall be actually seised or possessed in fee simple to his own use or for a term of his own or another's life of ten acres of land, or who shall be actually seised or possessed in fee simple to his own use or for a term of his own or another's life of five acres of land with a building or buildings thereon of the value of not less than *two hundred and fifty pounds*, or who shall be seised as aforesaid of not less than one acre of land with a building or buildings thereon of the value of not less than *five hundred pounds*, shall be deemed an elector and qualified to vote for a representative or representatives to serve in the House of Assembly for the division in which such qualification is situated.

Qualification of voters seised of land to vote for divisions.

No. 96.

6. That every male person as aforesaid who shall be in the occupation as lessee or tenant thereof originally for any term not less than three years of any messuage, land, plantation, or estate in any division within this Island on the day of voting, and who shall be *bonâ fide* liable to the payment of not less than *two hundred pounds* currency of yearly rent for the same, shall be entitled to vote for the election of a member or members for the division in which such messuage, land, plantation, or estate is situated.

Qualification of occupiers of houses or lands to vote for divisions.

7. That every male person as aforesaid who is actually seised and possessed to his own use of any land or lands with a house or houses, store or stores, shop or shops thereupon built and erected in fee simple, fee tail, or for a term of his own or another's life of the clear yearly value of *thirty pounds* currency within any city or town in this Island, shall be deemed an elector and qualified to vote for a representative or representatives to serve in the House of Assembly for the city or towns in which such property is situated.

Qualification of persons possessed of houses and lands to vote for towns.

8. That any male person as aforesaid who shall have been in the occupation of any house, shop, store, or warehouse within any city or town in this Island for a period of not less than six months previous to the day of election, and who shall be *bonâ fide* liable to the payment of a yearly rent of not less than *sixty pounds* currency, shall be entitled to vote for a representative or representatives for the city or town in which the said qualification is situated.

Qualification of occupiers of houses, &c. to vote for towns.

9. That all persons being joint tenants or tenants in common who by reason of their freehold are qualified to vote under the provisions of this Act shall each have a right to vote out of the said freehold, provided the value thereof amounts to as much as will when divided give to each the amount of the legal qualification herein enacted.

Joint tenants, &c.

10. That when any estate, land, or premises as aforesaid shall be jointly leased or rented by more persons than one as lessees or tenants, then each such lessee or tenant shall be entitled to vote, provided the amount of the rental paid by them shall be sufficient if divided to give to each the amount of the legal qualification herein enacted.

Joint lessees or occupants.

11. That no person shall be allowed to have any vote in the election of a member or members of Assembly for or by reason of any trust, mortgage, or estate, unless in the case of a mortgage or trust the mortgagee or trustee be in the actual possession or receipt of the rents and profits of the estate, but that

No trustee, mortgagee, &c. to vote unless in possession of the trust or mortgaged estate.

the mortgagor or *cestui que* trust in possession or receipt of the rents and profits shall and may vote for the estate notwithstanding such mortgage or trust.

Voter if required at the poll to prove his qualification.

Sed vide No. 146, s. 10.

No vote objected to to be recorded unless qualification proved. False declaration by voters to be perjury.

Voter if required to prove that he has paid his rates.

Sed vide No. 146, s. 10.

Assembly to sit for seven years.

Act not to be in force till sanctioned by the Queen.

12. That at any and every election each and every person offering to vote shall if thereunto required by any candidate prove the nature and value of his qualification upon his own declaration, or upon the declaration of any credible witness, or by some deed in writing or an authenticated copy thereof, or by the best proof which the nature of the case may admit of, to the satisfaction of the person taking the poll, who for the purposes of this Act is hereby directed and empowered to receive such declaration or declarations, and to demand, receive, and decide upon all necessary evidence; and no vote which shall have been objected to by any candidate shall be recorded in the polling list unless its validity according to the provisions of this Act shall be proved in the manner aforesaid; and if any person shall wilfully make a false declaration such person shall be deemed guilty of perjury and shall be punished accordingly.

13. That every voter who shall offer to vote at any election shall if required by any candidate prove to the satisfaction of the person taking the poll that he has paid all taxes payable into the public treasury which he may have been liable to at the time of so tendering his vote, and if he fail so to do his vote so tendered shall for this cause be rejected.

14. That no House of Assembly shall continue for more than seven years from the period of its first sitting, but that on the expiration of such period it shall cease to exist, and a new election shall be made in the terms and according to the provisions of this Act.

15. That this Act shall not have any force or operation until Her Majesty's sanction shall have been received thereunto.

No. 91.

AN ACT to render a certified Copy of the Record made in the Secretary's Office of this Island of the West India Bank Charter legal Evidence.

[Dated 20th, published 22nd December 1845; Left to its operation by Order in Council dated 18th March 1846.]

Recites letters patent constituting West India Bank, dated 27th Nov., 4 Geo. 4.

WHEREAS Her most Gracious Majesty Queen Victoria, by Her letters patent bearing date at Westminster the twenty-seventh day of November in the fourth year of Her reign, did give, grant, constitute, and appoint that Arthur Moore, Samuel Innis, Nicholas Humphrey Walrond, Benjamin Howell Jones, Josiah Heath, George Hewitt, Joseph Connell, Charles Saint John, Joseph Lyder Briggs, Joseph Trotman, Thomas Wilson, and James Wilkinson, and all other persons who had become subscribers of not less than one hundred dollars each towards the capital or joint stock therein-after mentioned, together with such and so many other person or persons or bodies politic or corporate as should become subscribers of or towards the said capital or joint stock as therein-after mentioned, or who should from time to time become proprietors in manner therein-after mentioned of any part of such capital or joint stock, not being a fractional part of one hundred dollars of such stock, should be one body politic and corporate in deed and in name by the name of the "West India Bank," and by that name should and might sue and be sued, implead and be impleaded, in all courts whether of law or equity, and should have perpetual succession with a common seal, which might be changed or varied at their pleasure; and Her Majesty did thereby further declare that the said corporation was estab-

lished for the purpose of carrying on the business of bankers in the Colony of Barbados, and such other of Her Colonies in the West Indies, including British Guiana, or in such of them as to the said corporation should seem fit, subject, nevertheless, to such provision for the cesser of such business at the time therein-after mentioned and to such restrictions as are therein-after contained, as by the said letters patent will more fully appear:

And whereas the said letters patent so granted as aforesaid have been duly recorded in the Secretary's office of this Island:

And whereas it is expedient that a certified copy or certified copies of the record so made in the Secretary's office of the said charter of the West India Bank should be admissible as evidence of the said original charter: May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the authority of the Lieutenant-Governor of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, administering the general government of the Leeward Islands, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the passing and publication of this Act any copy or copies of the record made in the Secretary's office of this Island of the said charter of the West India Bank, certified by the Secretary of the said Island, shall be admitted in all courts and places in this Island as legal evidence to the extent and for the purpose to which the original letters patent themselves would be admitted, any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Certified copy of record in Secretary's office to be evidence of charter.

2. That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all judges, justices, and others without being specially pleaded.

No. 92.

AN ACT to make Provision for the better Administration of Justice in this Island.

[Dated March 1845; Confirmed by Order in Council, dated 20th November 1845, and Ratification published at Antigua 13th February 1846.]

WHEREAS it is expedient to make provision for the better administration of justice in this Island, and for that purpose to alter and amend the laws relating to the Courts of Common Pleas, Court Merchant, Queen's Bench and Grand Sessions, Error, and Chancery:

Vide Act No. 93. Amended by Nos. 98 and 181.

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of the same, That from and after the passing and publication of this Act it shall and may be lawful for Her Majesty, Her heirs and successors, to nominate from time to time a Chief Justice who shall be called the Chief Justice of Antigua.

Appointment of Chief Justice.

2. The said Chief Justice shall be a barrister-at-law in Her Majesty's Courts of Chancery, Queen's Bench, Common Pleas, and Exchequer at Westminster or Dublin, and shall have been admitted as such for ten years at the least, or

Qualification of Chief Justice.

His appointment
how to be made.
Tenure of office.

a barrister of the courts of this Island who shall have been in practice for a period of at least ten years; and the said Chief Justice shall from time to time be appointed to such his office by Her Majesty, by warrant under Her signet and sign manual, and shall hold such his office during his good behaviour.

3. Provided always, That in case of the death or resignation of the said Chief Justice, or in case of any such sickness or infirmity as shall render the said Chief Justice incapable of performing the duties of his office, or in case of the absence of such Chief Justice, it shall be lawful for the Governor or the officer administering the government of this Island to appoint some fit and proper person to act in the place and stead of the Chief Justice so dying, resigning, becoming incapable, or being absent, until a successor shall be so appointed or until such Chief Justice shall return to the execution of his office; and in the meantime, until a successor shall be appointed or until such Chief Justice shall return as aforesaid and shall enter upon or resume the discharge of his office, the person so to be appointed by such Governor or officer administering the Government shall have and exercise all the jurisdiction, powers, and authorities hereby vested in the said Chief Justice.

4. In case the said Chief Justice shall be a party, plaintiff or defendant, in any case or suit in any of the courts of this Island, it shall be lawful for the Governor or the officer administering the government of the same, by warrant under his hand and seal, to appoint some fit and proper person to officiate as judge in the said court in reference to any such cause or suit; and the person so appointed shall have full power and authority to issue all summonses, writs, and process in relation to the suit, and to try, hear, and determine the same, in the same manner as the Chief Justice of the said Island might or could or ought in any other suit depending before him.

5. The Treasurer of this Island shall pay to any and every provisional chief justice appointed under the authority of this Act a salary at the rate of five hundred pounds sterling *per annum*.

6. It shall be lawful for the Governor or officer administering the government of this Island to appoint by warrant under his hand and seal a puisne justice who shall be called the puisne justice of Antigua, and such justice shall hold his office during Her Majesty's pleasure.

7. The Court of Common Pleas and the Court of Queen's Bench and Grand Sessions shall respectively consist of and be holden by the said Chief Justice, who shall have and exercise such and the same jurisdiction and authority as the justices of the said respective courts or any one or more of them before the passing of this Act lawfully had and exercised, and as shall be necessary for carrying into effect the several jurisdictions, powers, and authorities committed to the said courts respectively.

8. The said puisne justice shall have and exercise all such powers, authorities, and jurisdiction as by the law and practice of this Island were or was before the passing of this Act vested in or as have been exercised by any single justice of the Courts of Queen's Bench or Common Pleas sitting in chambers.

9. The said Chief Justice and puisne justice and any provisional chief justice shall previously to entering upon the execution of the duties of their several offices appear before the Governor or officer administering the government of this Island and take all the state oaths and also the oath following; that is to say,

‘ I A.B. (*naming himself*) do sincerely swear that I will diligently and faithfully and according to the best of my knowledge, skill, and ability perform and execute the duties, powers, and authorities of Chief Justice (*or puisne justice*) of the Island of Antigua according to the laws and statutes of Great Britain

Provision in case of
Chief Justice being
party in suit.

No. 98, s. 1.

Salary of provisional
chief justice.

Puisne justice.

Constitution of courts.

Powers of Chief
Justice.

Jurisdiction of puisne
justice.

Sed vide No. 98, s. 2.
Oath of judges.

‘ in force in this Island, the Acts of this Island, and the General Acts of the Leeward Islands, without interest, partiality, prejudice, fear, or affection.’

10. All writs or process issuing out of the Courts of Common Pleas or Process of courts. Queen's Bench and Grand Sessions respectively shall be by the Chief Justice accommodated in form and substance to the constitution of the said respective courts established by this Act, and shall be tested in the name of the said Chief Justice or person provisionally appointed to act in his place or stead, as the case may be. No. 157, s. 57.

11. The Court of Common Pleas shall be held upon the first Tuesday in the month of January, the last Tuesday in the month of March, and the first Tuesday in the months of May, July, and November next ensuing the date of this Act, and so afterwards in each and every year. *Sittings of Court of Common Pleas, No. 33, s. 3. September court repealed by No. 181, s. 2.*

12. The said puisne justice shall sit on the second Tuesday in every month throughout the year, except in the case of illness or other unavoidable incapacity, for the hearing and adjudication of complaints for the recovery of sums not exceeding *ten pounds*, and shall have and exercise such and the same jurisdiction and authority in respect of the said complaints as the justices of the Court of Common Pleas or any one or more of them before the passing of this Act lawfully had and exercised, and as shall be necessary for carrying into effect the jurisdiction and authority so committed to the said puisne justice. *Jurisdiction of sittings of puisne justice [increased to 5l. sterling by No. 214, s. 1.]*

13. The said puisne justice shall and may from time to time have and exercise the jurisdiction, power, and authority vested in the Court of Common Pleas by an Act of this Island, entitled “An Act for the Relief of Insolvent Debtors.” *Jurisdiction of puisne justice under Act No. 69.*

14. The said Chief Justice shall have power to grant probates under the seal of the said court of the last wills and testaments of all or any inhabitants of this Island and of all other persons who shall die and leave personal effects within the same, and shall also have power to grant letters of administration of the goods, chattels, credits, and all other effects whatsoever of the persons aforesaid who shall die intestate or who shall not have named an executor resident within this Island, or where the executor being duly cited shall not appear and sue forth such probate annexing the said will to letters of administration, when any such person shall have left a will without naming any executor who shall be then alive and resident within this Island, and who being cited thereunto shall not appear and sue forth a probate thereof, and to sequester the goods and chattels, credits, and other effects whatsoever of such persons so dying in cases allowed by the law of England as the same is and may now be used in the diocese of London, and to demand, require, take, hear, examine, and allow, and if occasion require to disallow or reject the accounts of such executors or administrators in such manner and form as may be used in the said diocese of London, and to do all other things whatsoever necessary in that behalf. *Ecclesiastical jurisdiction of Chief Justice, see No. 98, s. 12.*

15. Provided always, That all fees by law established and hitherto payable for the grant of probates and letters of administration to the Governor or officer administering the government shall continue to be paid to such Governor or officer aforesaid. *Reservation of fees to Governor.*

Section 16 repeals certain enactments.

Chief Justice to be
Vice-Chancellor.

Fees of Chancellor
reserved.

Right of appeal, see
No. 98, s. 3.

Removal of Chief
Justice.

Salaries of judges and
attorney general, see
No. 98, s. 16.
No. 222, s. 3, 8th July
1864.

Commencement of
Act.

Section 17 repeals certain enactments.

18. The Chief Justice of Antigua shall be the Vice-Chancellor of Antigua, and as such Vice-Chancellor shall have and exercise an equitable jurisdiction and shall have power and authority to administer justice, and to do, exercise and perform all such acts, matters, and things necessary for the due execution of such equitable jurisdiction as the Lord High Chancellor of Great Britain can or lawfully may do, exercise, or perform within the realm of England.

19. Provided always, That all fees, profits, perquisites, and emoluments heretofore payable in respect of his office shall continue to be paid to the Chancellor of this Island.

20. It shall be lawful for either of the parties, plaintiff or defendant, to appeal to Her Majesty in council against any judgment or sentence of the Court of Common Pleas for any error of law and against any decree, order, or sentence of the Vice-Chancellor in such manner and upon and subject to such terms and conditions as Her Majesty by charter or letters patent shall please to direct.

21. It shall be lawful for Her Majesty, Her heirs and successors, to remove any such Chief Justice from his office upon the address of the Council and Assembly of this Island.

Section 22 repeals an enactment.

23. The Treasurer of this Island shall pay to the Chief Justice of Antigua the salary of one thousand pounds sterling, to the puisne judge of Antigua the salary of [two] hundred pounds sterling, and to the Attorney General of Antigua, or other officer for the time being in the actual performance of the duties of Crown officer in this Island, the salary of four hundred pounds sterling, which said several salaries respectively shall be payable by quarterly payments and shall commence and be computed from the day on which the said several officers shall respectively by virtue of this Act enter upon the execution of their said respective offices: Provided always, that in the event of the absence of the said Chief Justice and the appointment of a provisional chief justice the salary payable to the Chief Justice shall be at the rate of five hundred pounds sterling *per annum*.

24. This Act shall not have force or operation until the same shall have received Her Majesty's approbation and such approbation shall have been duly signified.

(L.S.) At the Court at Windsor, the 20th of November 1845.

Present,—

The Queen's most Excellent Majesty.
His Royal Highness Prince Albert.

Lord President.
Duke of Wellington.
Earl of Lincoln.
Lord Chamberlain.
Earl of Jersey.

Earl of Ripon.
Mr. Herbert.
Sir Robert Peel, Bart.
Mr. Chancellor of the Exchequer.
Sir James Graham, Bart.

WHEREAS the Governor of Her Majesty's Island of Antigua with the Council and Assembly of the said Island did in the month of March last pass an Act which has been transmitted, entitled as follows, *viz.*,

No. 533. An Act to make Provision for the better Administration of Justice in this Island.

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council appointed for the consideration of all matters relating to trade and foreign plantations, and the said Committee have reported as their opinion to Her Majesty that the said Act should receive Her Majesty's special confirmation : Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being of Her Majesty's Island of Antigua, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) WM. L. BATHURST.

Duly published on this thirteenth day of February one thousand eight hundred and forty-six.

(Signed) WILLIAM WALKER,
Provost Marshal.

No. 93.

AN ACT to supply the Omission of the Signature of the Governor-in-Chief Sir Charles Fitzroy and of the Seal of Government to an Act of this Island, entitled "An Act to make Provision for the better Administration of Justice in this Island."

[Dated 10th, published 13th February ; Left to its operation by Order in Council dated 6th April 1846.]

WHEREAS an Act, intituled "An Act to make Provision for the better Administration of Justice in this Island," enacting by the authority of the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island Antigua, as therein is enacted, was on the twenty-ninth day of March one thousand eight hundred and forty-five duly passed by the Council and Assembly of this Island, and transmitted to His Excellency Sir Charles Fitzroy, at that time the Governor and Commander-in-Chief of Your Majesty's Islands aforesaid : And whereas the operation of the said Act was by the twenty-fifth clause thereof suspended until the said Act should have received Your Majesty's approbation and such approbation should have been duly signified : And whereas the said Act was not in testimony of the passing thereof as in common practice signed by His Excellency the said Governor-in-Chief, nor was the seal of the Government appended thereto, but a transcript of the said Act was transmitted by His Excellency the said Governor-in-Chief to Your Majesty's Principal Secretary of State for the Colonies : And whereas Your Majesty by an Order in Council bearing date the twentieth day of November in the same year, reciting that the Governor of Your Majesty's Island of Antigua with the Council and Assembly of the said Island did in the month of March then last past pass the said Act, was graciously pleased to declare Your special confirmation of the same, and the said Act was thereby declared to be confirmed, ratified, and finally enacted accordingly : And whereas doubts do now or hereafter may exist whether the said Act by Your Majesty's Order in Council recited to have been

Recites Act No. 92.

passed by the Governor of this Your Majesty's Island of Antigua was in truth and in fact so passed: And whereas it is expedient that all such doubts should be effectually dispelled:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the Lieutenant-Governor of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, administering the general government of the Leeward Islands, and the Council and Assembly of this Your Majesty's Island of Antigua, and it is hereby enacted and ordained by the authority of the same, That from and after the passing and publication of this Act the said Act, entitled "An Act to make Provision for the better Administration of Justice in this Island," and every appointment which shall have been made in virtue thereof, shall have the same force and shall be equally valid and effectual to all intents and purposes as if the same had been signed by the said Governor and the seal of Government had been affixed thereto.

Act No. 92 declared
valid.

No. 94.

Act No. 85.

AN ACT supplementary to an Act, intituled "An Act to authorize the Appointment of Commissioners of Pilotage and the licensing of Pilots, to establish certain Rates of Pilotage, and to enact Rules and Regulations for the Government of the said Pilots."
[Dated 27th, published 28th April; Left to its operation by Order in Council dated 27th August 1846.]

WHEREAS it is expedient to appoint certain limits within which it shall not be compulsory on the masters of vessels bound to the ports of St. John or of Parham to take a pilot:

May it please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Lieutenant-Governor administering the general government of the Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the publication of this Act no vessel bound to the port of Saint John shall be liable to the payment of any pilotage unless the pilot claiming the same shall have offered his services before the vessel, if coming from the northward, shall have got within Boon's Point and have passed the North Reef, or, if coming from the southward, shall have passed the Valley Church Bay and got within the Nine-foot Bank.

Limits of pilotage for
vessels bound to port
of St. John.

Port of Parham.

2. No vessel bound to the port of Parham shall be liable to the payment of any pilotage unless the pilot claiming the same shall have offered his services before the vessel shall have passed the east end of Great Bird Island: Provided, nevertheless, that if the services of a pilot shall be required and accepted after a vessel shall have arrived within either of the aforesaid limits, such pilot shall receive the same remuneration as he would have been entitled to if this Act had not been passed.

Extortion by pilot.

3. Any pilot who shall exact or extort any larger sum for pilotage than he shall be entitled to receive under the scale of rates deposited in the offices of the respective harbour-masters of this Island shall be deemed guilty of a misdemeanor punishable by summary jurisdiction before any justice of the peace, and it shall be lawful for the justice on proof of the offence to award the restitution of the sum so illegally exacted or extorted to the party from whom it shall have been received, and further to impose a fine not exceeding ten pounds on the offender,

No. 85, s. 44.

and in default of payment of both or either of the sums so adjudged to be paid to commit the offender to the common gaol for any period not exceeding thirty days unless the said sums be sooner paid and satisfied.

No. 95.

AN ACT to regulate the Costs of Distresses levied for Payment of small Rents.

[Dated 25th June; Left to its operation by Order in Council dated 26th September 1846.]

WHEREAS divers persons acting as agents and distraining on the goods and chattels of others or employed in the course of such distresses have of late made excessive charges, to the great oppression of poor tenants and others, and it is expedient to check such practices:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Lieutenant-Governor administering the general government in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's said Island of Antigua, That from and after the passing of this Act no person whatsoever making any distress for rent, where the sum demanded and due shall not exceed *twenty pounds* currency for and in respect of such rent, nor any person whatsoever employed in any manner in making such distress or doing any act whatsoever in the course of such distress, or for carrying the same into effect, shall have, take, or receive out of the produce of the goods or chattels distrained upon and sold, or from the tenant distrained on, or from the landlord, or from any other person whatsoever, any other or more costs and charges for and in respect of such distress, or any matter or thing done therein, than such as are fixed and set forth in the schedule hereunto annexed and appropriated to each act which shall have been done in the course of such distress; and no person or persons whatsoever shall make any charge whatsoever for any act, matter, or thing mentioned in the said schedule, unless such act shall have been really done.

Costs of distress for sums not exceeding 20*l.* currency.
No. 96.

2. If any person or persons whatsoever shall in any manner levy, take, or receive from any person or persons whatsoever, or retain or take from the produce of any goods sold for the payment of such rent any other or greater costs and charges than are mentioned and set down in the said schedule, or make any charge whatsoever for any act, matter, or thing mentioned in the said schedule and not really done, it shall be lawful for the party or parties aggrieved by such practices to apply to *any one justice of the peace* for the division, city, or town wherein such distress shall have been made or in any manner proceeded in for the redress of his, her, or their grievance so occasioned; whereupon such justice shall summon the person or persons complained of to appear before him at a reasonable time to be fixed in such summons, and such justice shall examine into the matter of such complaint by all legal ways and means, and also hear in like manner the defence of the person or persons complained of; and if it shall appear to such justice that the person or persons complained of shall have levied, taken, received, or had other and greater costs and charges than are mentioned or fixed in the schedule hereunto annexed, or made any charge for any matter or thing mentioned in the said schedule, such act, matter, or thing not having been really done, such justice shall order and adjudge treble the amount of the monies so unlawfully taken to be paid by the person or persons so having acted

Remedy for extortion.

See No. 169, s. 33.

to the party or parties who shall thus have preferred his, her, or their complaint thereof, together with full costs; and in case of nonpayment of any monies or costs so ordered and adjudged such justice shall forthwith issue his warrant to levy the same by distress and sale of the goods and chattels of the party or parties ordered to pay such monies or costs, rendering the overplus (if any) to the owner or owners after the payment of the charges of such distress and sale; and in case no sufficient distress can be had such justice shall by warrant under his hand commit the party or parties to the common gaol of this Island, there to be imprisoned for a term not exceeding one calendar month, unless the said order and judgment be sooner paid and satisfied.

Witnesses may be summoned.

No. 169, s. 6.

3. It shall be lawful for such justice at the request of the party complaining or complained against to summon all persons as witnesses and to administer an oath to them touching the matter of such complaint or defence against it; and if any person or persons so summoned shall not obey such summons without any reasonable or lawful excuse, or refuse to be examined upon oath, or if a quaker upon solemn affirmation, then every such person so offending shall forfeit and pay a sum not exceeding *twenty shillings* currency, to be ordered, levied, and paid in such manner and by such means, and with such power of commitment, as is herein-before directed as to such order and judgment to be given between the party or parties in the original complaint, excepting so far as regards the form of the order and herein-after provided for.

Costs when complaint is unfounded.

No. 169, s. 17.

4. It shall be lawful for such justice if he shall find that the complaint of the party or parties aggrieved is not well founded to order and adjudge costs not exceeding *twenty shillings* currency to be paid to the party or parties complained against, which order shall be carried into effect and levied and paid in such manner and with like power of commitment as is herein-before directed as to the order and judgment founded on such original complaint: Provided always, that nothing herein contained shall empower such justice to make any order or judgment against the landlord for whose benefit any such distress shall have been made, unless such landlord shall have personally levied such distress: Provided always, that no person or persons who shall be aggrieved by any distress for rent or by any proceedings had in the course thereof, or by any costs and charges levied upon them in respect of the same, shall be barred from any legal or other suit or remedy which he, she, or they might have had before the passing of this Act, excepting so far as any complaint to be preferred by virtue of this Act shall have been determined by the order and judgment of the justice before whom it shall have been determined, and which order and judgment shall and may be given in evidence under the plea of the general issue in all cases where the matter of such complaint shall be made the subject of any action.

Bar of other remedy.

Forms.

5. Such orders and judgments on such complaints shall be made in the form in the schedule hereunto annexed and may be proved before any court by proof of the signature of the justice to such order and judgment, and such orders as regard persons who may have been summoned as witnesses shall be made in such form as to such justice shall seem most fit and convenient.

Copy of charges of distress to be given.

6. Every agent or other person who shall make and levy any distress whatsoever shall give a copy of his charges and of all the costs and charges of any distress whatsoever, signed by him, to the person or persons on whose goods and chattels any distress shall be levied, although the amount of the rent demanded shall exceed the sum of *twenty pounds* currency.

SCHEDULE referred to in this Act.

FORM of the ORDER and JUDGMENT of the Justice before whom Complaint is preferred when the Order and Judgment is for the Complainant.

ANTIGUA.

In the matter of the complaint of *A.B.* against *C.D.* for a breach of the provisions of an Act of this Island, intituled "An Act to regulate the Costs of Distresses levied " for Payment of small Rents."

I *E.F.*, a justice of the peace acting for the division, city, or town of (as the case may be), in this Island of Antigua, do order and adjudge that the said *C.D.* shall pay to *A.B.* the sum of , as a compensation and satisfaction for unlawful charges and costs levied and taken from the said *A.B.* under a distress for rent, and the further sum of for costs on this complaint.

(Signed) *E.F.*

FORM of the ORDER and JUDGMENT of the Justice where he dismisses the Complaint as unfounded, and with or without Costs, as the Case may be.

ANTIGUA.

In the matter of the complaint of *A.B.* against *C.D.* for the breach of the provisions of an Act of this Island, intituled "An Act to regulate the Costs of Distresses levied " for Payment of small Rents."

I *E.F.*, a justice of the peace acting for the division, city, or town of (as the case may be), in the Island of Antigua, do order and adjudge that the complaint of the said *A.B.* is unfounded.

(If costs are given) And I do further order and adjudge that the said *A.B.* shall pay unto the said *C.D.* the sum of for costs.

(Signed) *E.F.*

SCHEDULE of the LIMITATION of COSTS and CHARGES on DISTRESSES for SMALL RENTS.]

	Sterling.
Levying distress - - -	£0 4 0
Man in possession per day - - -	0 4 0
Appraisement by the appraisers, sixpence in the pound on the value of the goods.	
All expenses of advertisements, if any such - - -	0 8 0
Catalogues, sale, and commission and delivery of goods, one shilling in the pound on the net produce of the sale.	

No. 96.

AN ACT to provide for the Assimilation of the Currency of this Island with that of Great Britain, and for the keeping of all Accounts in the said Island in the Currency so established.

[Dated 13th January; Specially confirmed by Order in Council dated 24th April 1847; Published 28th May 1847.]

WHEREAS it is expedient that the money of account of this Island should be assimilated to the currency of Great Britain and that all accounts should be kept in such currency:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the Governor and Commander-

Currency of United Kingdom to be currency of Island.

in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the publication of this Act the currency of the United Kingdom of Great Britain and Ireland, commonly called sterling, shall be the money of account of this Island, and that all receipts and payments, and all gifts, grants, contracts, bargains, sales, agreements, and stipulations, and all bonds, bills of exchange, promissory notes, drafts, acceptances, acknowledgments, undertakings, or securities for money, and all transactions, dealings, matters, and things whatsoever relating to money which shall be had, made, or done in this Island, shall be had, made, and done according to such currency of the said United Kingdom of Great Britain and Ireland so becoming the currency of this Island.

Gifts, bargains, undertakings, and liabilities in current money to be converted into sterling money at the rate of 100*l.* sterling for 22*5*l.** currency.

2. All gifts, grants, contracts, bargains, sales, agreements, stipulations, and all bonds, bills of exchange, promissory notes, drafts, acceptances, receipts, acknowledgments, undertakings, and securities for money, and all debts, fines, or penalties due or to grow due or which shall be imposed or be payable under or by virtue of any Act of the Legislature, and all and every recognizance, judgment, award, bond, lease, or other specialty, or by virtue of any simple contract, written or parol, and all transactions, dealings, matters, and things whatsoever relating to money, or involving or implying the payment of money, or the liability to pay money by statute or otherwise which shall be required to be paid, or which shall have been or shall be acknowledged, confessed, awarded, executed, had, made, done, or entered into at any time before the commencement of this Act according to or with reference to the currency of this Island, or as money shall have been before the commencement of this Act named in this Island, shall from and after the publication of this Act be continued and carried into effect and shall be paid, discharged, and satisfied according to the amount thereof respectively in such currency of the United Kingdom of Great Britain and Ireland, to be calculated in manner following; that is to say, every sum of the currency of this Island then due, thereafter to grow due, to be accounted for in any way, shall be equivalent to and shall be stated as and shall be liable to be paid, discharged, satisfied, and accounted for by a sum of such currency of the United Kingdom of Great Britain and Ireland equivalent thereto, at the rate of one hundred pounds of the currency of the United Kingdom of Great Britain and Ireland for every two hundred and twenty-five pounds currency of this Island.

Public revenue and debts.

3. The public revenues of this Island, both as to the collection and payment thereof, shall be estimated and received according to the currency of the United Kingdom of Great Britain and Ireland, and the public debt, account, bills, or orders payable at the treasury, and all dividends or interests thereon and all payments thereof, shall cease to be estimated in the present currency of this Island and shall be converted into the currency of the United Kingdom as aforesaid.

Currency of foreign parts.
Saving of rights of chartered banks.

4. Nothing herein contained shall prevent any gift, grant, contract, bargain, sale, or dealing for money, or any bill, note, draft, acceptance, receipt, or acknowledgment for the payment of money from being made or had according to the currency of foreign parts; and provided also, that nothing herein contained shall be construed to affect the chartered rights of any bank now or hereafter to be established.

Future debts, contracts, and liabilities.

5. All debts, contracts, liabilities, matters, or things relating to money, or at any time after the commencement of this Act arising by implication out of or being founded upon gifts, grants, contracts, bargains, sales, or dealings, matters,

or things had, made, or done prior to the commencement of this Act shall be held, deemed, and construed to be within the meaning of this Act.

6. Provided always, That nothing in this Act contained shall be construed to invalidate or nullify any bequest of money under any last will and testament made after the passing of this Act in the sense and under the understanding of the present current value of money, but the amount of such bequest shall be reduced into sterling at and after the rate specified in the second clause of this Act. Current money mentioned in wills.

7. Notwithstanding any law now or hereafter to be in force in this Island wherein any fine, penalty, or sum or sums of money is or shall be named, set, imposed, or directed to be paid in current money of this Island, the same shall nevertheless be set forth in the process necessary for the suing, imposing, levying, enforcing, recovering, and receiving of the same as of sterling and lawful money of Great Britain and Ireland, to be calculated at the rate hereinbefore mentioned. Former process.

8. This Act shall take effect and be in force as a law on the first quarter-day ensuing after Her Majesty's Royal assent shall have been had and obtained, that is to say, on the fifth day of January, the fifth day of April, the fifth day of July, or the tenth day of October, as it may so happen. Operation of Act.

No. 97.

AN ACT to enable the Treasurer to purchase certain Lands the Property of Warwick Pearson Hyndman, Esquire, and to vest the same in Her most Gracious Majesty for the Use of the Colony. Vide Acts No. 126, No. 140.

[Dated and published 12th February; Left to its operation by Order in Council dated 24th April 1847.]

WHEREAS it is expedient for the protection of Government House and the Daily Meal Asylum from the nuisance of a multitude of small settlements in their immediate contiguity, and with the view of avoiding danger to the city from fire and of preserving the health of its inhabitants, to purchase certain portions of land to the north-east of the city of Saint John, long in the use of the public, but to which the said Warwick Pearson Hyndman hath established an equitable title: And whereas upon a negotiation between a joint committee of the Two Houses and the said Warwick Pearson Hyndman the said Warwick Pearson Hyndman consented, with the view of meeting the wishes of the Legislature, to accept the sum of one thousand pounds sterling in full for the absolute purchase of the said lands:

May it therefore please Your most Excellent Majesty that it may be enacted and ordained by the Governor, Council, and Assembly of this Island of Antigua, and by the authority of the same, That from and after the passing and publication of this Act it shall be lawful for the Treasurer and he is hereby authorized and required to pay to the said Warwick Pearson Hyndman, his executors or administrators, the said sum of one thousand pounds sterling in full payment of the absolute purchase of the said lands.

2. When and so soon as the said purchase shall have been effected the said several lands, as per diagram hereunto annexed; that is to say, the piece or parcel of land to the front of Government House, containing by admeasurement two acres, three roods, and thirty-one poles, and butted and bounded to the east by lands of John Tollemache, to the west by the high road leading northward from the city, to the north by a line of small settlements running east and west, and to the south by the road in front of Government House; and that other piece or parcel of land to the east and south-east of the Daily Meal Asylum,

containing by admeasurement one acre, three roods, and thirty poles, and butted and bounded to the east with the high road aforesaid leading northward from the city, to the west by the high road leading to the Rectory, to the north by glebe lands of the parish of Saint John, and to the south by the road, or how-ever otherwise the same may be butted and bounded, shall vest and the same are hereby declared to vest in Her Majesty, Her heirs and successors, for ever, to and for the absolute use and benefit of the Colony.

No. 98.

AN ACT to amend an Act, entitled "An Act to make Provision for the better Administration of Justice in this Island," and to give increased Effect to its Provisions by adapting the Practice of the Court of Common Pleas to the Operation of the said Act. [Dated 17th February 1847.]

Recites Act No. 92.

WHEREAS it is expedient to amend the Act entitled "An Act to make Provision for the better Administration of Justice in this Island," and to give increased effect to its provisions by adapting the practice of the Court of Common Pleas to the operation of the said Act:

Provision in case of
Chief Justice being
interested in suit.
No. 92, s. 4.

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of the same, That in case the Chief Justice shall be interested in any cause or suit in any of the courts of this Island, it shall be lawful for the Governor or the officer administering the government of the same by warrant under his hand and seal to appoint some fit and proper person to officiate as judge in the said court in reference to any such cause or suit; and the person so appointed shall have full power and authority to issue all summonses, writs, and process in relation to the suit, and to try, hear, and determine the same in the same manner as the Chief Justice of the said Island might or could or ought in any other suit depending before him.

Oaths of judges,
No. 92, s. 9.

2. The Chief Justice and puisne justice and every provisional chief justice shall take in place of the oath last prescribed by the ninth clause of the Act to make provision for the better administration of justice the oath following; that is to say,

'I A.B. (naming himself) do sincerely swear that I will diligently and faithfully, and according to the best of my knowledge, skill, and ability, perform and execute the duties, powers, and authorities of Chief Justice (or puisne justice) of the Island of Antigua, according to the laws and statutes of England, the statutes of Great Britain, and the statutes of Great Britain and Ireland in force in this Island, the Acts of this Island, and the General Acts of the Leeward Islands, without interest, partiality, prejudice, fear, or affection.'

Right of appeal,
No. 92, s. 20.
No. 112, s. 4.

3. It shall be lawful for either of the parties, plaintiff or defendant, to appeal to Her Majesty in Council against any judgment or sentence of the Court of Common Pleas for any error of law, and against any decree, order, or sentence of the Vice-Chancellor, in such manner and upon and subject to such terms and conditions as Her Majesty by charter or letters patent, or by instruction under the Royal sign manual, shall please to direct.

4. It shall be lawful for any defendant who shall be arrested and give bail for his appearance to perfect such bail by two good and sufficient securities in place of making personal appearance as heretofore by law required. Perfecting bail by defendant.

5. It shall be lawful for the puisne justice to hear and determine motions for leave to plead and to exercise in respect to motions in chambers the like power and authority as are vested in such case in the Chief Justice. Jurisdiction of puisne justice.

6. Every special plea or demurrer shall be filed within fifteen days after the filing of the declaration in the cause, every replication, demurrer to plea, or joinder in demurrer shall be filed within ten days after the filing of such special plea or demurrer, and every rejoinder, demurrer to replication, or joinder in demurrer shall be filed within five days after the filing of such replication or demurrer, and each and every subsequent pleading in the cause shall be filed within three days of the filing of the next precedent pleading, unless upon motion and cause shown to the court or judge in chambers the time herein-before limited for the filing of any pleading shall be enlarged. Pleadings when to be filed.

7. All actions shall be heard at the court day next after the day of appearance in the order in which they are entered in the Secretary's book, and no trial shall be postponed to any adjourned court, nor continued to any subsequent court, unless by consent of plaintiff and defendant, or unless the court shall be satisfied, upon the application of plaintiff or defendant, supported by affidavit, that further time is absolutely necessary in order to determine the real merits of the action. No. 33, s. 43.

8. Repealed. Time of trial of actions, No. 33, ss. 67, 69.

9. For the hearing of any motion for new trial or arrest of judgment the court shall sit specially from time to time as may be necessary, and two clear days notice to the opposite party shall be held sufficient notice of such motion. No. 33, s. 81.

10. Where there are several execution creditors and a levy shall be made by the marshal at the instance of any one other than the first of such execution creditors, and such creditor shall subsequently order a discontinuance of such levy, the marshal shall give notice to previous execution creditor or creditors, or his or their representatives, if any, of such previous execution creditor or creditors who shall be out of the jurisdiction, and unless such order of discontinuance be disallowed by such previous execution creditors, or any one of them, the marshal shall discontinue such levy, upon payment by the debtor of actual expenses incurred, and no more, any law or practice which may have hitherto obtained to the contrary notwithstanding. Motion for new trial or arrest of judgment.

11. Writs of execution shall and may be issued out of the Court of Common Pleas at any time throughout the year, and shall and may be executed, and levies and sales may be made by virtue thereof and to all intents and purposes as if the said writs had been issued between the first day of April and the thirtieth day of September: Provided always, that the power of levying from the first day of October to the thirty-first day of March shall be exercised upon such executions only as shall be obtained upon and after the first day of April next. Where several execution creditors and levy by one discontinued marshal to give notice to previous execution creditors.

12. And whereas by the fourteenth section of the Act for the better administration of justice in this Island it is declared that the Chief Justice shall have power to grant probates under the seal of the Court of Common Pleas of last wills and testaments, and to grant letters of administration of the goods, chattels, credits, and effects of persons who shall die intestate, and in other the cases therein mentioned to sequester the goods and personal estate of intestate deceased persons in cases allowed by the law of England, and to demand, require, take, hear, examine, and allow, and if occasion require to disallow or reject the accounts of such executors or administrators, in such manner and Writs of execution may be levied at any time of the year.

No. 92, s. 14.

Jurisdiction of Chief Justice sitting in ordinary to enforce orders and punish for contempts.

form as may be used in the diocese of London : And whereas it is expedient that the said Chief Justice should unquestionably possess the power of enforcing the authorities so given and granted, and of punishing, if need be, any disobedience, contempt, or contumacy in respect of such authorities : Be it enacted, That in all cases cognizable by the said Chief Justice under the powers and authorities so given to him as aforesaid, when any person or persons, having been duly cited before the said Chief Justice, or required to comply with the lawful orders or decrees, as well final as interlocutory, of the said Chief Justice, shall neglect or refuse to pay obedience to such lawful orders or decrees, or when any person or persons shall commit a contempt in the face of the said Chief Justice sitting judicially, it shall be lawful for such Chief Justice to pronounce such person or persons contumacious and in contempt, and thereupon to issue a writ *De contumace capiendo* in the form to this Act annexed directed to the provost marshal, or to the coroner if the said provost marshal shall be the offender, commanding him to attach the body of the person so in contempt and contumacious ; and the said provost marshal or coroner is hereby required to execute the same by taking and detaining the body of the person against whom the said writ shall be directed to be executed ; and upon the due appearance of the party so cited and not having appeared as aforesaid, or the obedience of the party so cited and not having obeyed as aforesaid, or the due submission of the party so having committed a contempt in the face of the court, the Chief Justice shall pronounce such party absolved from the contumacy and contempt aforesaid, and shall forthwith make an order upon the said provost marshal or coroner in the form to this Act annexed for discharging such party out of custody ; and such provost marshal or coroner shall upon receipt of such order, and so soon as such party shall have fully paid and satisfied all costs and expenses lawfully incurred by reason of such custody and contempt, with all convenient speed discharge him.

Wills to be recorded in register's office. [For registrar's fees see No. 220.]

13. Previous to probate all wills shall be recorded in the register's office as the public registry thereof in a book or books to be provided by the Treasurer for such purpose, which said record shall at all times within the usual hours of public business be open to all persons desiring to inspect the same upon payment to the registrar of one shilling sterling ; and such wills so recorded or an official certified copy of the record thereof shall be to all intents and purposes evidence in all and singular the courts of law and equity in this Island, any law hitherto existing to the contrary notwithstanding.

Copy of record evidence.

Ecclesiastical practice how to be regulated.

14. The said Chief Justice shall and he is hereby authorized and required to frame such rules and regulations as shall be necessary to carry out the practice of the diocese of London in relation to his ecclesiastical jurisdiction, or to establish a local practice as closely allied thereto as circumstances will permit.

Qualification of proctors.

15. No person shall be qualified to practise as a proctor who is not a barrister duly qualified to practise in the Court of Common Pleas in this Island ; and in case any person or persons shall in his or their own name, or in the name of any other person or persons, make, do, act, exercise, or perform any act, matter, or thing whatsoever in any way appertaining or belonging to the office, function, or practice of a proctor, every such person for every such offence shall forfeit and pay the sum of twenty pounds sterling money of Great Britain, to be sued for and recovered in the Court of Common Pleas of this Island, and the plaintiff or plaintiffs, if he or they shall recover any penalty or penalties, shall receive and take the same for his or their own use, with full costs of suit : Provided always, that every executor or executrix shall be at liberty to renounce or to take probate of the will of his or her testator or testatrix without the aid of a proctor.

Penalty on unqualified person practising.

Executor may renounce or take probate without proctor.

16. And whereas by the twenty-third clause of the said Act it is enacted, Act No. 92, s. 23. that the Treasurer shall pay to the Chief Justice of Antigua the salary of one thousand pounds sterling, to the puisne judge of Antigua, the salary of *three* [Altered to 200*l*. by No. 222, s. 3.] hundred pounds sterling, and to the Attorney-General of Antigua, or other officer for the time being in the actual performance of the duties of Crown Officer, the salary of four hundred pounds sterling, with a proviso thereto, that in the event of the absence of the said Chief Justice and the appointment of a provisional Chief Justice, the salary payable to the Chief Justice shall be at the rate of five hundred pounds sterling per annum: And whereas it is deemed but just and reasonable that in like manner some provision should be made for the puisne justice and the Attorney General, in the event of their absence, or of the absence of either of them from the said Island, occasioned by ill health or otherwise: Be it therefore enacted, that in the event of the absence from the said Island of either of those last-mentioned officers, one-half of the above salaries appropriated to them by the said Act shall be paid to each respectively, and the other half to such person as may be appointed by the Governor or Commander-in-Chief for the time being, temporarily to discharge the duties of either such respective offices. Appropriation of salary of puisne justice and Attorney-General when absent.

17. In the event of the puisne justice being absent from the Island, or of his being prevented by sickness or infirmity from performing the duties of his office, or of his being interested in any action or suit cognizable before him, it shall be lawful for the Governor or officer administering the government to appoint some fit and proper person to act provisionally in the place and stead of the puisne justice, and the person so appointed shall have and exercise all the jurisdiction, power, and authority now possessed and exercised by the puisne justice. Appointment of provisional puisne justice.

ANTIGUA.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.—To the provost marshal of our said Island (or coroner, as the case may be) greeting: Writ De contumace capiendo.

Whereas , of the said Island , is contumacious, and contemns the jurisdiction and authority lawfully conferred upon and invested in our Chief Justice of our said Island (*here state the nature of the offence*), and will not submit to his jurisdiction: We command you, that you attach the said by his body, and him safely keep in the common gaol of our said Island for the space of months, or until he shall have made satisfaction for the said contempt. And of the manner in which you shall execute this writ make a due return into the Secretary's office of our said Island. And herein fail not, as you will answer the contrary at your peril.

Witness our Chief Justice at Antigua, this day of in the year of our reign.

(L.S.)

Chief Justice.

ANTIGUA.

Whereas , of the said Island , who was lately pronounced by me contumacious, and whom, by writ issued thereupon, and directed to you, you attached by his body, and imprisoned in the common gaol: Now he having submitted himself, and satisfied the said contempt, you are hereby empowered and commanded that without delay you deliver or cause to be delivered the said out of the prison in which he is so detained, if upon that occasion and no other he be therein detained. Order for discharge.

Given under my hand and seal, at Antigua, this day of ,
in the year of our Lord one thousand eight hundred and forty , and in the
year of Her Majesty's reign.

(L.S.)
Chief Justice.

No. 99.

AN ACT to abolish the Punishment of the Pillory, and to substitute other Punishment for the Crime of Perjury.

[Dated and published 8th April; Left to its operation by Order in Council dated 11th August 1848.]

WHEREAS it is expedient to abolish the punishment of the pillory :

May it please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the publication of this Act judgment shall not be given or awarded against any person or persons convicted of any offence, that such person or persons do stand in or upon the pillory, any law, statute, or usage to the contrary notwithstanding.

Pillory abolished.

Punishment for perjury or subornation of perjury.

2. Whenever any person shall be convicted of perjury or subornation of perjury, it shall be lawful for the court before whom such offender shall be convicted, instead of the punishment of pillory, to award and order sentence of imprisonment in the common gaol, with or without hard labour, for any period not exceeding four years.

No. 100.

Vide Acts Nos. 111, 114, 116, 211. AN ACT to alter an Act, entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum, with Interest, and to authorize the Appropriation of the same in manner therein mentioned."

[Dated and published 29th April; Left to its operation by Order in Council dated 25th August 1848.]

No. 86.

WHEREAS by an Act of this Island, entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum, with Interest, and to authorize the Appropriation of the same in manner therein mentioned," it was enacted, that all sums lent by the Commissioners should be payable by the parties obtaining the same by ten equal annual instalments, with the interest which should then have accrued due, to be paid on the first of May one thousand eight hundred and forty-five, and the remaining instalments, with interest, on the first of May in each succeeding year; and in default of payment of the said principal and interest monies, or any part thereof, at the days and times appointed for

s. 11.

payment of the same, the said Commissioners were authorized and required to issue a warrant under their hands and seals, or the hands and seals of any three of them, directed to the provost marshal, commanding him to levy on the goods and chattels of the person so in default for the sum or sums mentioned in the said warrant, and for want of such goods and chattels of such person to levy on his lands and tenements, and to sell the same in manner therein mentioned; and further, that if the said Commissioners should fail to issue their warrant as aforesaid, every Commissioner to whom such default should be attributable should be liable to a penalty of five hundred pounds sterling, to be recovered in manner therein mentioned: And whereas three several instalments of principal monies, with interest thereon, have been respectively paid and satisfied: And whereas the great depreciation in the value of its staple commodity in the home market has plunged the colony into such unprecedented distress that the borrowers are absolutely unable to meet the instalments accruing due: And whereas Her most Gracious Majesty hath in consideration of such distress signified through Her Majesty's Secretary of State for the Colonies Her Royal disposition to assent to a modification of the existing terms of repayment of the sums borrowed: May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the passing and publication of this Act so much of the said herein-before recited Act, entitled "An Act to authorize the Appointment of certain Commissioners " to be called the Commissioners of the Loan from Her Majesty's Government " to the Island of Antigua, to empower the said Commissioners to borrow from " the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not " exceeding One hundred thousand Pounds Sterling, to provide for the Re- " payment of the same Sum, with Interest, and to authorize the Appropriation " of the same in manner therein mentioned," as relates to the period of the payment of the remaining instalments of the principal monies and interest due and owing by borrowers to the Commissioners, and interest thereon, shall be and the same is hereby repealed.

No. 86, s. 12.

Recites payment of three instalments with interest.

So much of No. 86 as relates to period of payment of remaining instalments and interest repealed.

No. 116, s. 2.

2. The first of the said remaining instalments of the principal monies borrowed shall be payable on the first day of May one thousand eight hundred and fifty-three, and the remaining instalments on the first day of May in each succeeding year.

Remaining instalments when payable.

3. The interest on the said principal monies due and owing by borrowers to the Commissioners shall be payable on the first day of May one thousand eight hundred and forty-eight and on the first day of May in each succeeding year until the said principal monies shall be fully paid and satisfied: Provided always, nevertheless, that the Commissioners of the loan shall not be held to be entitled to any salary or compensation whatsoever beyond the period of ten years, commencing from the first day of May one thousand eight hundred and forty-five.

Interest when payable.

Salary of Commissioners.

No. 116.

4. All and singular the enactments, provisions, and declarations of the said herein-before in part recited Act, except so far as the same are hereby repealed, shall be and the same are hereby declared to be applicable to the principal and interest monies, and the proceedings for the recovery of the same, and all matters and things touching and concerning the same, or in any manner connected therewith, made payable under and by virtue of this Act.

Other provisions of No. 86 applicable to recovery of monies.

No. 101.

AN ACT for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies.

[Dated and published 1st June; Left to its operation by Order in Council dated 11th August 1848.]

WHEREAS it is expedient that in all cases of felony punishable with death, except murder, the court before which the offender or offenders shall be convicted shall be authorized to abstain from pronouncing judgment of death, whenever such court shall be of opinion that under the particular circumstances of any case the offender or offenders is or are a fit and proper subject or fit and proper subjects to be recommended for the Royal mercy: Be it therefore enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, and by the authority of the same, That from and after the passing and publication of this Act, whenever any person shall be convicted of any felony punishable with death, except murder, and the court before which such offender shall be convicted shall be of opinion that under the particular circumstances of the case such offender is a fit and proper subject to be recommended for the Royal mercy, it shall and may be lawful for such court, if it shall think fit so to do, to direct the proper officer then being present in court to require and ask if such offender hath or knoweth anything to say why judgment of death should not be recorded against such offender; and in case such offender shall not allege any matter or thing sufficient in law to arrest or bar such judgment, the court shall and may and is hereby authorized to abstain from pronouncing judgment of death upon such offender, and instead of pronouncing such judgment to order the same to be entered of record, and thereupon such proper officer as aforesaid shall and may and is hereby authorized to enter judgment of death of record against such offender in the usual and accustomed form, and in such and the same manner as is now used and as if judgment of death had actually been pronounced in open court against such offender by the court before which such offender shall have been convicted.

On conviction for any felony punishable with death, except murder, court may abstain from pronouncing judgment of death, and order same to be recorded.

Effect of such record.

2. A record of every such judgment so entered as aforesaid shall have the like effect to all intents and purposes and be followed by all the same consequences as if such judgment had actually been pronounced in open court and the offender had been reprieved by the court.

No. 102.

AN ACT to repeal certain Duties of Customs imposed by an Act passed in the Session of Parliament holden in the Eighth and Ninth Year of the Reign of Her present Majesty, entitled "An Act to regulate the Trade of British Possessions abroad."

[Dated 8th February; Assented to by Order in Council dated 11th August; Assent proclaimed 14th September 1848.]

WHEREAS by an Act passed in the session of Parliament holden in the ninth and tenth year of the reign of Her Majesty, intituled "An Act to enable the Legislatures of certain British Possessions to reduce or repeal certain Duties of Customs," it is enacted, "that if and whenever the Legislature or other proper legislative authority of any of the said British Possessions in America

" or the Mauritius make or pass any Act or ordinance, Acts or ordinances, reducing or repealing all or any of the said duties of Customs so imposed as aforesaid by the said recited Act upon any articles imported into such Possession, and if Her Majesty, by and with the advice of Her Privy Council, assent to such Act or ordinance, Acts or ordinances, such duties of Customs shall upon the proclamation of such assent in the Colony, or at any time thereafter which may be fixed by such Act or Ordinance, be so reduced or repealed in such Possession as if such reduction or repeal had been effected by an Act or Acts of the Imperial Legislature, anything in any Act to the contrary thereof notwithstanding."

And whereas it is expedient that the said duties of Customs be repealed :

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of Your Majesty's said Governor and Commander-in-Chief, and the Council and Assembly of Your Majesty's said Island of Antigua, That all and singular the duties of Customs imposed by an Act passed in the session of Parliament holden in the eighth and ninth year of the reign of Your Majesty, entitled " An Act to regulate the Trade of British Possessions abroad," shall be and the same are hereby declared to be absolutely repealed.

Repeal of duties of Customs imposed by Imperial Act, 8 & 9 Vict. c. 93.

No. 103.

AN ACT to authorize the Appointment of a Deputy Harbour-master for the Port of Saint John. **Wide Act No. 72.**

[Dated 23rd April; Left to its operation by Order in Council dated 29th June 1849.]

WHEREAS it is necessary, in case of the temporary inability of the harbour-master of the cove and harbour of Saint John in this Island to perform his duties, from sickness, lawful temporary absence, or other cause, that a deputy should be appointed for the purpose of performing such duties so long as the inability of the said harbour-master should continue: Now, therefore, we Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority of the same, That when and so often as it shall happen that the person who may be harbour-master of the said cove and harbour shall, from sickness, lawful temporary absence, or other cause, be unable to perform his duties, it shall and may be lawful to and for the Governor-in-Chief, or officer for the time being administering the government of this Island, to name and appoint some respectable well-qualified inhabitant to perform the duties of the said harbour-master, so long as the incapacity of the said harbour-master shall continue, and from time to time to remove such person so to be appointed and to appoint another in his stead.

Person may be appointed by Governor to perform duties of harbour-master in case of his sickness, &c.

2. The person so appointed shall be called the deputy harbour-master of the port of St. John, and before taking upon himself the duties of his office he shall

Deputy harbour-master.

be duly sworn before the Governor-in-Chief or the officer for the time being administering the government of this Island in the following words:

Oath of office.

‘ I do solemnly swear on the Holy Evangelists of Almighty God that I will truly serve Our Sovereign Lady the Queen and the inhabitants of this Island and all Her Majesty’s subjects trading to the port or harbour of Saint John, so far as respects my office of deputy harbour-master of Saint John in this Island, and so long as I shall continue to hold the said office, to the best of my skill and knowledge, and that I will from time to time examine the said harbour, and take cognizance of all wrecks, vessels, dead bodies, or other substances likely to create a nuisance, and of all ballast or rubbish of any kind that may be thrown into or sunk in the said harbour, and make report thereof to some one or other of Her Majesty’s justices of this Island within forty-eight hours after the discovery thereof, without fear, affection, malice, ill-will, or resentment to any; and that I will justly and faithfully execute, perform, and carry into effect the several duties imposed upon the harbour-master of the said port by the respective Acts of the Legislature of this Island, in as far forth as lays in my power.’

Duties of deputy.

3. The said deputy harbour-master shall execute and perform all and every the same duties, and shall be invested with the same powers and authorities and subject to the same responsibilities and liabilities as now appertain or attach to the harbour-master of the said port under or by virtue of the laws of this Island.

Fees.

4. The said deputy harbour-master shall be entitled to demand and receive all such fees as are now payable or belong to the said harbour-master by the laws of this Island, and shall be entitled to all and every the same remedies for the recovery thereof as by law are given to the said harbour-master.

No. 104.

AN ACT to authorize and empower the Vestry of the Parish of Saint Peter to dispose of the Materials of the Old Parish Church, the Site thereof, and the Land attached thereto, and to appropriate the Proceeds of the Sale thereof. *[Dated and published 4th June 1849.]*

WHEREAS, in consequence of the dilapidation of the old parish church of Saint Peter, it was deemed necessary to erect a new and more commodious edifice for the purpose of divine worship in the said parish, which said building has been commenced, but from failure of funds remains incomplete:

And whereas it is advisable that the materials of the said old parish church, the site thereof, and the land attached thereto (in neither of which have any interments ever been made) should be sold, and the proceeds appropriated to the completion of the new church:

And whereas the rector of the said parish of Saint Peter hath assented to such sale and appropriation:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty’s Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty’s Island of Antigua, That it shall and may be lawful for the vestry of the parish of St. Peter, upon the publication of this Act, to dispose of the materials of the said old church of Saint Peter, the site thereof, and the lands attached thereto, and to appropriate the net proceeds of the said sale in aid of the completion of the new parish church.

Vestry may sell materials, &c. of old church, and appropriate proceeds in aid of new parish church.

2. Upon the sale of the site of the said old parish church and land attached thereto, or any part thereof, it shall and may be lawful for the rector for the time being of the said parish of Saint Peter to execute to the purchaser or purchasers thereof, or to any person or persons whom he, she, or they may direct or appoint, a conveyance or conveyances for the same, which said conveyance or conveyances shall be good and effectual to pass the fee simple of the said land or any portion thereof.

Conveyance of site.

No. 105.

AN ACT for facilitating the Apprehension of certain Offenders escaping to this Island from any Place within the Territory or Dominions of the Republic of Venezuela, in order that such Offenders may be delivered up to Justice.
[Dated 24th, published 27th October 1849; Left to its operation by Order in Council dated 30th January 1850.]

WHEREAS persons who have committed or may commit crimes within the territories or dominions of the Republic of Venezuela may escape to this Island, and it is expedient to provide for the apprehension of certain of such offenders in this Island, in order that they may be sent back to the territory or place where such crimes may have been committed, there to be dealt with according to law:

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That in case requisition shall at any time be made by the government of the said Republic of Venezuela to deliver up to justice any person who, being charged with the crime of murder, or of an attempt to commit murder, or of arson, or of rape, or of robbery, or of forgery, or of the utterance of any forged security for money, committed within the jurisdiction of the said Republic of Venezuela, shall be found within this Island, it shall be lawful for the Governor or other officer administering the government of this Island, if he shall think fit, but not otherwise, by warrant under his hand and seal to signify that such requisition has been so made, and to require all justices of the peace and officers of justice within this Island to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to gaol for the purpose of being delivered up to justice; and thereupon it shall be lawful for any justice of the peace in this Island to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the law of this Island would justify the apprehension of such person, to commit such person to gaol, there to remain until delivered pursuant to such requisition as aforesaid.

Governor may, on requisition by Venezuelan Government, issue warrant for apprehension of persons charged with commission of certain crimes within that jurisdiction.

Duty of justices of the peace.

2. Provided always, That in every such case copies of the deposition or depositions upon which the original warrant for the apprehension of the offender issued by the magistrate or other authority in Venezuela was granted, certified under the hand and seal of office of the officer of the said Republic making such requisition, may be received in evidence of the criminality of the person so apprehended.

Evidence.

3. Upon the certificate of such justice of the peace that such supposed offender has been so committed to gaol, it shall be lawful for the Governor or officer administering the government of this Island by warrant under his hand

Detention and delivering up of offenders.

and seal to order the person so committed to be delivered to such person or persons as shall be authorized by any warrant under the hand of the officer of the said Republic making such requisition as aforesaid to receive the person so committed, and to convey such person to the place where the crime or offence with which such person is charged was committed, there to be tried for such crime or offence, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to hold such person in custody, and take him or her to the place where such crime or offence was committed; and if the person so accused shall escape out of any custody to which he or she shall be committed as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any felony committed within this Island may be retaken upon an escape.

Discharge of offenders
when not removed.

4. Where any person who shall have been committed under this Act to remain until delivered up pursuant to requisition as aforesaid shall not be delivered up pursuant thereto, and conveyed out of this Island within three calendar months after such committal, it shall in every such case be lawful for the Chief Justice or puisne justice of this Island, upon application made to either of them by or on behalf of the person so committed, and upon proof given to the justice to whom such application shall be made that reasonable notice of the intention to make such application has been given to the Attorney-General, or other officer for the time being performing the duties of Crown officer in this Island, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such judge why such discharge ought not to be ordered.

Operation of Act.

5. This Act shall commence and take effect when and so soon as the Governor or other officer administering the government of this Island shall, by proclamation under his hand and seal of office, declare and proclaim that the Legislature of the said Republic of Venezuela hath made sufficient provision by law for the apprehension of offenders escaping to any place within the territories or dominions of the said Republic who may be charged with having committed within this Island any of the crimes or offences herein-before mentioned.

No. 106.

AN ACT to authorize the Sale of certain Lands in this Island commonly called
"Ten Acre Lands."

[Dated 3rd, published 5th November 1849; Left to its operation by
Order in Council dated 9th March 1850.]

Act No. 10.

WHEREAS by an Act of this Island passed in the 12th year of the reign of King William the Third, entitled "An Act for the further promoting the
"Number of the Inhabitants of this Island, and more particularly encouraging
"the King's Soldiers now to be disbanded to continue therein by enabling them
"to become Settlers amongst us," reciting as therein is recited, it was enacted, that the Treasurer for the time being should forthwith draw out fair lists of all the lands within this Island which had been indebted to the common stock for the space of four years or more from the date of the said Act, mentioning the sum due from each parcel in the said lists, and should affix the same in some conspicuous place in the towns of Saint John, Parham, Falmouth, and Wilmoughby Bay, to the end that sufficient notice might be given to all persons concerned to pay to the Treasurer the dues thereon accruing to the public, which if the proprietors should refuse or neglect to do by the twenty-third day of March then next inclusive, the said lands should *ipso facto* from thenceforward

become forfeited to His Majesty, His heirs and successors, to be disposed of from time to time as thereafter set down in the said Act, and to no other use, intent, or purpose whatsoever; that is to say, that all such lands as aforesaid, or any other to be disposed of by virtue of the said Act, should be distributed in parcels of ten acres by the Governor, Council, and the Assembly of this Island for the time being, for the encouragement of poor settlers, more especially the King's regiment, then to be disbanded, any law, custom, or usage to the contrary notwithstanding; and further, that a warrant to any sworn surveyor to measure and lay out the lands so granted, signed by the Governor-in-Chief, Lieutenant or Deputy Governor, or President of the Island, together with one or more of the Council and the Speaker of the Assembly, recorded with such surveyor's return thereon in the register's office, should be deemed to be a good right to the person to whom such warrant was granted, and to the heirs of his body lawfully begotten for ever, with the proviso that the lands so disposed of should not be liable to any alienation by the parties in possession, nor be subject to the payment of any debt so as to be taken in execution or otherwise, but should, on desertion thereof by the grantee for a period of twelve months, or on the extinction of the heirs of the body of such grantee, revert to and again vest in His Majesty, His heirs and successors, to be from time to time as often as it should so happen distributed to others by the Governor, Council, and Assembly as before recited, and not otherwise, any law, custom, or usage to the contrary notwithstanding:

And whereas also by another Act of this Island passed in the twentieth year of the reign of His Majesty King George the Second, entitled "An Act to Act No. 22. explain and amend an Act, intituled 'An Act for the further promoting the
 " 'Number of the Inhabitants of this Island, and more particularly encouraging
 " 'the King's Soldiers now to be disbanded to continue therein by enabling
 " 'them to become Settlers amongst us,' dated the Twenty-fourth Day of
 " 'December One thousand seven hundred; and also to explain and amend one
 " 'other Act, intituled 'An Act for the Encouragement of Settlers and Builders
 " 'in the Town, and for ascertaining the Titles of Land and Houses therein,'
 " 'dated the Fifteenth Day of July One thousand six hundred and seventy-nine,'" reciting the provision herein-before recited for the forfeiture of the lands granted in case they should be deserted by the grantee thereof, but that no provision existed for such forfeiture in case the lands granted should be deserted by the heirs of the body of the grantee thereof, it was enacted, that all and every of the said small parcels of public land which should for the future be granted to any person by the Governor, Council, and Assembly of this Island, and which should be deserted by the heirs of the body of such original grantees for the space of twelve calendar months, and all and every parcel of the said lands at that time held and possessed by virtue of any former grant, whether by the first grantee or such as claim under him, which should be deserted by the then possessor, or any other to whom it should thereafter descend, for the like space of twelve calendar months, should revert to His Majesty, His heirs and successors, and should be disposed of as by law provided in case of desertion by the person to whom granted, any law, custom, or usage to the contrary notwithstanding:

And whereas various grants of lands became forfeited under the provisions of the first herein-before in part recited Act, and were subsequently, by virtue of the power and authority in them vested, regranted by the Governor, Council, and Assembly to various grantees: And whereas various parcels of the land so granted have been by the grantees thereof, or the heirs of the body of such grantees, absolutely deserted, and in numerous cases grants of other parcels of

the said lands have failed by reason of the extinction of the heirs of the body of the original grantees, and the said lands have, by reason either of such desertion or such extinction of heirs, reverted in Her Majesty, Her heirs and successors, to be regranted by the Governor, Council, and Assembly, as by law provided :

And whereas the lands so forfeited and liable to be regranted by the Governor, Council, and Assembly are for the most part lying waste, and are unprofitable to the public in every way ; while there is reason to believe that if the same were offered for sale, with the guarantee of a sufficient title, purchasers would be found, and the monies arising from such sales might be paid into the treasury in aid of the public service, thereby obviating to the extent of the monies so raised the necessity of present or future taxation :

And whereas it is expedient therefore that the said lands should be sold and the purchase monies thereof applied accordingly in aid of the public service :

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the authority of the same, That from and after the passing and publication of this Act it shall be lawful for the Governor, or other the officer for the time being in the administration of the government of this Island, to issue his commission to one member of Her Majesty's Council and three members of the House of Assembly constituting them Commissioners for the sale of Ten Acre lands, and from time to time, in case of the death, or refusal, or incapacity to act, of any of the said commissioners, to appoint some other member or members of Her Majesty's Council and of the House of Assembly, as the case may be, to be a commissioner or commissioners to act in the execution of this Act.

Appointment of Commissioners for sale of " Ten Acre lands."

Their tenure of office.

2. The said commissioners shall hold their appointment during the pleasure of the Governor, and subject thereto shall, notwithstanding any dissolution of the House of Assembly, continue in the execution of the powers and authorities in them vested ; and if any commissioner appointed from the House of Assembly shall fail to be elected a member of the next House of Assembly, he shall cease to be a commissioner, and it shall be lawful for the Governor to appoint another or others from the House of Assembly in his or their place and stead.

Duty of Commissioners in relation to sale of " Ten Acre lands."

3. It shall be lawful for the said commissioners to frame such rules and regulations as to them shall seem expedient in relation to the sale of the lands commonly called or known by the name of " Ten Acre Lands," such rules and regulations to be approved by the Governor, and subject to such rules and regulations it shall be lawful for the said commissioners to sell and dispose, or cause to be sold or disposed of the said lands, either by public auction or private contract, in any lots or parcels, and in such manner in all other respects as they shall think fit, and with full power to buy in the premises when and so often as offered to sale by public auction, and also to release, rescind, or vary any contract or contracts whatsoever for sale thereof ; and it is hereby declared that the receipt or receipts in writing of the said commissioners, or any three of them, shall be a sufficient discharge or discharges to any purchaser or purchasers of all or any part of the said lands for his or their purchase money or monies, or so much thereof respectively as shall be thereby acknowledged to be received.

Their receipts.

Conveyance of lands sold.

4. It shall be lawful for the Governor, on the certificate of the commissioners of payment of the purchase money, to execute a conveyance to the purchaser in

fee simple or in such other manner as he shall direct, such conveyance to be prepared at the expense of the purchaser; and such conveyance recorded in the register's office shall be deemed and taken to constitute a valid title to all intents and purposes to the lands purchased.

5. The said commissioners shall without delay pay over to the Treasurer in Proceeds of sale. aid of the public revenue of the Colony all monies by them received.

6. It shall be lawful for the Governor, upon the certificate of the commissioners, to draw upon the Treasurer for any expenses incidental to the operation of the said Act. Expenses.

7. Any three of the said commissioners shall constitute a board for the Constitution of board. purposes of this Act.

No. 107.

AN ACT to continue and make perpetual certain Acts; that is to say, an Act entitled "An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," and another Act, entitled "An Act supplementary to an Act, intituled 'An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice,'" as the said respective Acts have been altered, amended, partially repealed, revived, and continued by subsequent Acts of this Island.

[Dated 29th November 1849; Left to its operation by Order in Council dated 19th June 1850.]

WHEREAS an Act, entitled "An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," dated the twenty-first day of January one thousand seven hundred and ninety-one, together with another Act, entitled "An Act supplementary to an Act entitled 'An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice,'" dated the twenty-second day of April one thousand seven hundred and ninety-six, which said Acts have been from time to time altered, amended, partially repealed, revived, and continued by subsequent Acts of this Island, will expire this day unless the same be continued: And whereas it is expedient that the said respective Acts be continued and made perpetual: May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That the said Act, entitled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," dated the twenty-first day of January one thousand seven hundred and ninety-one, and the said Act, entitled "An Act supplementary to an Act entitled 'An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice,'" dated the twenty-second day of April one thousand seven hundred and ninety-

Recites No. 33,

and No. 35.

Recited Acts as altered, amended, partially repealed, revived, and continued by subsequent Acts, made perpetual.

six, as the same respectively have been from time to time altered, amended, partially repealed, revived, and continued by subsequent Acts of this Island, shall be and the same are respectively hereby declared to be continued and made perpetual.

No. 108.

AN ACT to prohibit the Use of the Acetate of Lead in the Manufacture of Sugar in this Island.

[Dated and published 4th April; Left to its operation by Order in Council dated 19th June 1850.]

WHEREAS it is expedient to prohibit the use of the acetate of lead in the manufacture of sugar in this Island: May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the passing and publication of this Act, any person who shall in the manufacture of sugar for sale or use knowingly use or permit to be used the acetate of lead, shall upon conviction thereof before any two of Her Majesty's justices of this Island be liable to a penalty not exceeding one hundred pounds, and in default of payment to be imprisoned for any period not exceeding six calendar months.

Acetate of lead prohibited in manufacture of sugar, under penalty.

Disposition of penalty.

2. One moiety of the penalty imposed shall be payable to the informer, who is hereby declared to be a competent witness, and the other moiety shall be payable to the Treasurer for the use of the Colony.

No. 109.

Vide No. 132.

AN ACT to amend the Law of Evidence.

[Dated and published 4th April; Left to its operation by Order in Council dated 19th June 1850.]

WHEREAS the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue both in criminal and civil cases should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced and on the truth of their testimony:

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief in and over Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of the same, That from and after the passing and publication of this Act no person offered as a witness shall hereafter be excluded, by reason of incapacity from crime or interest, from giving evidence either in person or by deposition according to the practice of the court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, coroner, officer, magistrate,

No person to be excluded as witness for incapacity, crime, or interest.

or person having by law or by consent of parties authority to hear, receive, and examine evidence, but that every person so offered may and shall be admitted to give evidence on oath, or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or inquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: [Provided that this shall not render competent any party to any suit, action, or proceeding ^{Repealed by No. 132, s. 1.} individually named in the record, or any lessor of the plaintiff or tenant of the premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended either wholly or in part, or the husband or wife of such persons respectively] ^{Parties to suits.} Provided that in courts of equity any defendant to any cause pending in any such court may be examined as a witness on behalf of the plaintiff or any co-defendant in any such cause, saving just exceptions, and that any interest which such defendant so to be examined may have in the matters or any of the matters in question in the cause shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

2. Nothing in this Act shall apply to affect any suit, action, or proceeding brought or commenced before the passing of this Act. ^{Operation of Act.]}

No. 110.

AN ACT to authorize the Importation into this Island of Foreign Reprints of Books entitled to Copyright in the United Kingdom.

[Dated 24th October 1849; Vide Order in Council 19th June 1850.
Published 27th July 1850.]

WHEREAS by the seventeenth section of an Act passed in the session of Parliament holden in the fifth and sixth years of Her Majesty's reign, intituled "An Act to amend the Law of Copyright," it is enacted, "that it shall not ^{5 & 6 Vict. c. 45.} be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British Dominions, for sale or hire, any printed book first composed or written or printed or published in any part of the said United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British Dominions:"

And whereas by the ninth section of an Act passed in the session of Parliament holden in the eighth and ninth years of Her Majesty's reign, intituled "An Act to regulate the Trade of the British Possessions abroad," books ^{8 & 9 Vict. c. 93.} wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British Possessions abroad:

And whereas by an Act passed in the session of Parliament holden in the tenth and eleventh years of Her Majesty's reign, intituled "An Act to amend ^{10 & 11 Vict. c. 95.} the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is enacted, "that in case the Legislature or proper legislative authorities in any British Possession shall be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and shall pass an Act or make an ordinance for that purpose,

"and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or ordinance is sufficient for the purpose of securing to the British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her Royal approval of such Act or ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or ordinance continue in force within such Colony, the prohibitions contained in the Acts therein recited (being the said Acts herein-before recited), and the prohibitions contained in the said Acts, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such Colony:"

And whereas it is desirable to permit the importation into this Island of books so prohibited as aforesaid upon the terms and subject to the conditions set forth and contained in the said last recited statute:

We, therefore, Your Majesty's most dutiful and loyal subjects the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, do humbly pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the authority of the same, That from and after the publication of this Act, it shall be lawful to import into this Island from any country all books whatsoever being reprints of books first composed or written or printed or published in the United Kingdom.

Importation of foreign reprints of books composed, written, printed, or published in United Kingdom.

Ad valorem duty.

2. Upon the importation into this Island of any reprint of any such book so entitled to copyright as aforesaid, there shall be levied and paid an *ad valorem* duty of twenty-five per cent. upon the *bonâ fide* price of such reprint.

Duty of Treasurer.

3. The said duty shall be paid to the Treasurer of this Island, who is hereby authorized and required to receive the same, and to keep a detailed account of all amounts so received, to be called "Account of the Treasurer of Antigua with the Proprietors of Copyright in British Books."

Account and return of duties.

4. The said Treasurer shall hold all duties and other monies received by him under the provisions of this Act separate and distinct from the general revenues of the Colony, and subject to the control and disposition of the Governor; and he shall make a quarterly detailed return to the Governor of all such duties so received by him.

Remission of duties.

5. The Governor shall, as often as he shall see fit, but at least once in every year, direct the Treasurer to remit the amount of all duties and other monies received as aforesaid and remaining in his hands at the time, together with a detailed account thereof, to the Commissioners of Her Majesty's Customs in London, in order that the same may be paid over to the proprietors of the copyright of such books as may have been imported into this Island under the authority of this Act: Provided always, that the said Treasurer shall be and he is hereby authorized to retain for his trouble in collecting the said duty and in enforcing the provisions of this Act a commission at and after the rate of five per cent. of the amount of duty so collected by him.

Stamping foreign reprints.

6. Upon the payment of the said duty upon any foreign reprint of any book as aforesaid, the officer by whom such duty shall be received shall stamp the said book upon such part thereof as shall be pointed out by the person paying the said duty, and the Treasurer shall provide, at the public expense, the

necessary stamps for such purpose, which stamps shall bear the following inscription, "Passed the Treasury, Antigua."

7. From and after the publication of this Act it shall not be lawful for any person to import or bring or cause to be imported or brought into this Island for private use, sale, or hire any reprint referred to in this Act, and hereby made liable to the duty aforesaid, or knowingly to sell, publish, or hire, or expose to sale or hire, or have in his or her possession for use, sale, or hire any such reprint, contrary to the true intent and meaning of this Act; and every such reprint so imported or brought into this Island, or sold, hired, or published or exposed to sale or hire, contrary to the true intent and meaning of this Act, shall be forfeited and sold by the Treasurer, and one half of the proceeds of the sale thereof shall be paid to the officer seizing the same, and the other half to the Treasurer, to be remitted, together with the duties collected under this Act, for the benefit of the proprietor of the said copyright; and every person so offending, being duly convicted thereof before *any justice of the peace* for this Island, shall for every such offence forfeit and pay a sum not exceeding twenty-five pounds, or be imprisoned in the common gaol for any time not exceeding three months, one half such penalty to be paid to the officer seizing the said book, and the other half to be paid to the Treasurer, to be remitted for the use of the proprietor of the copyright of the book so illegally imported.

Reprints imported contrary to Act to be forfeited and sold.

Disposition of proceeds.

No. 169, s. 33.

Offender liable to penalty or imprisonment.

8. Upon the sale of any book seized for importation contrary to the provisions of this Act, the purchaser of every such book shall be entitled to have the same stamped, and the Treasurer is hereby authorized and required to stamp such book as if the same had been regularly imported in conformity with the provisions of this Act.

Stamping forfeited reprints on sale thereof.

9. The said Treasurer, and all other officers for the time being connected with the treasury department, and every officer of police, shall be and are hereby authorized and required to seize and secure all reprints of books referred to in this Act, imported contrary to the true intent and meaning, and liable to forfeiture under the provisions hereof; and every person who shall in any way hinder, oppose, molest, or obstruct the said Treasurer, or any of the officers aforesaid, in the performance of his or their duty, shall, on conviction thereof before any justice of the peace for this Island, for every such offence, forfeit a sum not exceeding twenty-five pounds, and in default of payment be imprisoned in the common gaol for any period not exceeding three months, unless such penalty and costs be sooner paid and satisfied.

Reprints liable to forfeiture may be seized.

Obstruction of Treasurer or officer.

10. In the construction of this Act, any word denoting the singular number or the male sex shall be taken to extend to any number of persons or things, and to both sexes, unless there be something in the context repugnant thereto.

Construction of Act.

11. For the purposes of this Act, the deputy treasurer shall be and is invested with the same powers and authorities as are hereby conferred upon the Treasurer of this Island.

Deputy treasurer.

12. For the purposes and within the meaning of this Act, the officer for the time being administering the government of this Island shall be deemed and taken to be the Governor thereof.

Definition of term Governor.

13. This Act shall not come into operation until Her Majesty's pleasure be known thereon.

Operation of Act.

(L.S.) At the Court of Buckingham Palace, the 19th day of June 1850.

Present :

The Queen's Most Excellent Majesty.
His Royal Highness Prince Albert.

Lord President.
Lord Privy Seal.
Duke of Norfolk.
Lord Steward.
Lord Chamberlain.
Marquis of Abercorn.

Earl Gréy.
Lord John Russell.
Viscount Palmerston.
Sir John Hobhouse, Bart.
Sir George Grey, Bart.
Mr. Chancellor of the Exchequer.

5 & 6 Vict. c. 45.

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth years of the reign of Her present Majesty, entitled "An Act to amend the Law of Copyright," it is among other things enacted, "that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British Dominions, for sale or hire, any printed book first composed or written or printed and published in any part of the United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British Dominions:"

8 & 9 Vict. c. 93.

And whereas by an Act passed in the session of Parliament holden in the 8th and 9th years of the reign of Her present Majesty, intituled "An Act to regulate the Trade of the British Possessions abroad," books wherein the copyright is subsisting first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British Possessions abroad:

10 & 11 Vict. c. 95.

And whereas by an Act passed in the session of Parliament holden in the 10th and 11th years of the reign of Her present Majesty, entitled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is enacted, "that in case the Legislature or proper legislative authorities in any British Possession shall be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and shall pass an Act or make an ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her royal approval of such Act or ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such Act or ordinance continue in force within such Colony, the prohibitions contained in the aforesaid Acts and herein-before recited Acts, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom and entitled to copyright therein, shall be suspended so far as regards such Colony:"

No. 110.

And whereas an Act has been passed by the Governor, Council, and Assembly of the Island of Antigua, No. 601, entitled "An Act to authorize the Importation into this Island of Foreign Reprints of Books entitled to Copyright in the United Kingdom," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works under copyright imported into the said Island:

And whereas Her Majesty hath expressed Her royal approval of the same :

Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, That so long as the said Act of the Legislature of said Island of Antigua shall remain and continue in force within the said Island, all prohibitions in either of the said herein-before recited Acts of the Imperial Parliament, or in any other Acts thereof contained, against the importing into the said Island or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards foreign reprints imported into the said Island.

So long as Act No. 110 remains in force prohibitions in recited Acts of Parliament suspended.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury and the Right Honorable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein accordingly.

(Signed) WILLIAM L. BATHURST.

Duly published this twenty-seventh day of July one thousand eight hundred and fifty.

(Signed) J. L. BINDON,
Provost Marshal.

No. 111.

AN ACT to alter an Act entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned."

Vide Acts No. 114, 116, 211.

[Dated and published 5th April; Left to its operation by Order in Council dated 25th June 1851.]

WHEREAS it is enacted by the first clause of an Act of this Island, entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned," that it shall be lawful for the Governor to issue his commission to one member of Her Majesty's Council and three members of the House of Assembly constituting them Commissioners of the loan from Her Majesty's Government to the Island of Antigua, and from time to time, in case of the death or refusal or incapacity to act of any of the said commissioners, to appoint some other member or members of Her Majesty's Council and of the House of Assembly (as the case may be) to be a commissioner or commissioners to act in the execution of the said Act: And whereas James Scotland, Esquire, one of three members of this House of Assembly appointed to act as a commissioner under the said Act, hath departed this life: And whereas it is competent to one member of the Council and two members of the Assembly to discharge all the existing duties of commissioners under the said Act: Be it enacted by his Excellency Robert James Mackintosh, Esquire, Governor and Commander-in-Chief, the honorable the members of

Act No. 86.

One member of Council and two members of Assembly to be commissioners under Act No. 86. No. 116, s. 1.

Her Majesty's Council, and the Assembly of this Island, that the said commissioners shall from and after the passing and publication of this Act consist of one member of the Council and two members only of the House of Assembly, with power to the Governor or officer for the time being administering the Government from time to time, in case of the death or refusal or incapacity to act of any of the said commissioners, to appoint some other member or members of Her Majesty's Council and of the House of Assembly (as the case may be) to be a commissioner or commissioners to act in the execution of the said Act; and that all and singular the powers and authorities vested by the said heretofore mentioned Act in the said commissioners as consisting of one member of Council and three members of the Assembly shall be and the same are hereby declared to be vested in the said commissioners, consisting of one member of Council and two members of the Assembly.

13 & 14 VICTORIA, CAP. XV.

AN ACT to authorize the Establishment of Courts of Appeal for certain of Her Majesty's West India Colonies. [Dated 31st May 1850.]

WHEREAS the Councils and Assemblies of Her Majesty's Colonies of Antigua, Saint Christopher, and Dominica are desirous to provide an appeal from the judgments and sentences of certain of the courts of such Islands respectively to a court to be holden in one of such Islands: And whereas it is expedient that provision be made for the establishment of courts of appeal as well for the said Islands as for others of Her Majesty's Colonies in the West Indies herein-after mentioned, where the local Legislatures may desire the establishment thereof; but effectual provision cannot be made for that purpose without the authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That in case it appear to Her Majesty that by any Act or Acts already passed or hereafter to be passed by the Legislatures of the Colonies of Antigua, Saint Christopher, and Dominica, or of the other Colonies now comprised in the commission of the Governor of Antigua, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision has been made for the establishment and maintenance of such court of appeal as herein-after mentioned, and for defining the jurisdiction of such court in relation to the Colony or Colonies for which such Act or Acts may be passed it shall be lawful for Her Majesty by any order to be by Her made with the advice of Her Privy Council, to erect and establish for and in relation to the Colony or Colonies for which such Act or Acts may be passed a court of appeal, to consist of such judge or judges, and to have such ministerial or other officers thereof as by such Act or Acts may be provided; and such court shall hold its sittings in such place or places within the said Colonies or any of them, and at such times, and shall have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules, and other determinations of all or any of the courts of such Colony or Colonies as by such Act or Acts may be provided.

2. And be it enacted, That in case it appear to Her Majesty that by any Act or Acts to be passed by the Legislatures of the Colonies now comprised in the commission of the Governor of Barbadoes, or any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision

Her Majesty may establish a court of appeal for any of the Islands comprised in the commission of the Governor of Antigua on due provision being made for the establishment and maintenance of such courts.

Her Majesty may establish a court of appeal for all or any of the Islands comprised in the commis

has been made for the establishment and maintenance of such court of appeal as herein-after mentioned, and for defining the jurisdiction of such court in relation to the Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty, by any order to be by Her made with the advice of Her Privy Council, to erect and establish for and in relation to the Colony or Colonies for which such Act or Acts may be passed a court of appeal, to consist of such judge or judges and to have such ministerial or other officers thereof as by such Act or Acts may be provided; and such court shall hold its sittings in such place or places within the said Colonies or any of them, and at such times, and shall have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules, and other determinations of all or any of the courts of such Colony or Colonies, as by such Act or Acts may be provided.

sion of the Governor of Barbadoes.

3. And be it enacted, That in case by reason of due provision for the purposes herein-before mentioned not having been made by such Acts as aforesaid in relation to all the Colonies now comprised in the commission of the Governor of Antigua, or in relation to all the Colonies now comprised in the commission of the Governor of Barbadoes, a court of appeal shall have been established by such order as aforesaid for some only of the Colonies comprised in either of the said Governments, and due provision shall be afterwards made by Act or Acts to be passed by the Legislature or Legislatures of any other or others of the said Colonies now comprised in the same commission and confirmed by Her Majesty as aforesaid, for giving to such court jurisdiction in relation to such Colony or Colonies or any of them, and for defining such jurisdiction, and for contributing to the maintenance of such court, it shall be lawful for Her Majesty, by order made with such advice as aforesaid, to extend the jurisdiction of such court in relation to the Colony or Colonies in which such Act or Acts may be passed accordingly.

Jurisdiction of court may be extended over the Islands not originally subject to it.

4. And be it enacted, That the jurisdiction and authority expressed to be given to any court of appeal to be established under this Act in relation to any of the said Colonies by any Act or Acts passed by the Legislature of such Colony and confirmed by Her Majesty as aforesaid, and all jurisdiction and authorities given to such court by any such Order in Council as aforesaid in relation to such Colony, in accordance with any such Act or Acts as aforesaid, may, notwithstanding the establishment of such court or the holding of the sittings thereof beyond the local limits of such respective Colony, be exercised as fully and effectually, and the provisions of such Acts and Orders in Council in relation thereto shall have the same force and effect, as if the same had been given and enacted by Parliament.

Jurisdiction may be exercised under Acts of Colonial Legislature by the courts when sitting beyond the limits of a Colony.

5. Provided always, and be it enacted, That it shall be lawful for the respective Legislatures of the several Colonies in relation to which any court of appeal established under this Act may have jurisdiction from time to time by any Act or Acts confirmed by Her Majesty as aforesaid to extend, restrict, or vary, in relation to such respective Colony and the courts thereof, the jurisdiction of such court of appeal.

Jurisdiction may be varied by Acts of Colonial Legislature.

6. And be it enacted, That it shall and may be lawful for Her Majesty, by any such order or orders of Her Majesty in Council as aforesaid, or by any other order or orders in Council to be made in that behalf, to allow any person or persons feeling aggrieved by any judgment, decree, order, or sentence of the said courts of appeal respectively to appeal therefrom to Her Majesty in Council, in such manner, within such time, and under and subject to such rules, regulations, and limitations as Her Majesty by such order or orders in Council respectively shall appoint and prescribe.

Appeal to Her Majesty in Council.

6 & 7 W. 4. c. 17. not
to be affected.

Act may be amended,
&c.

7. And be it enacted, That nothing in this Act shall be construed to interfere with or prevent the operation of an Act passed in the sixth year of King William the Fourth, intituled "An Act to make Provision for the better Administration of Justice in certain of His Majesty's West India Colonies."

8. And be it enacted, That this Act may be amended or repealed in this present session of Parliament.

No. 112.

ANTIGUA.

AN ACT to authorize Her Majesty the Queen to establish a Court of Appeal in this Island.

[Dated and published 17th July 1852; Confirmed by Order in Council dated 8th June 1854.]

Recites 13 & 14 Vict.
c. 18.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the thirteenth year of the reign of Her Majesty Queen Victoria, intituled "An Act to authorize the establishment of Courts of Appeal for certain of Her Majesty's West India Colonies," it is enacted, that in case it appear to Her Majesty that by any Act or Acts already passed or hereafter to be passed by the Legislatures of the Colonies of Antigua, Saint Christopher, and Dominica, or of the other Colonies now comprised in the commission of the Governor of Antigua, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision has been made for the establishment and maintenance of such court of appeal as therein after mentioned, and for defining the jurisdiction of such court in relation to the Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty by any order to be by Her made with the advice of Her Privy Council, to erect and establish for and in relation to the Colony or Colonies for which such Act or Acts may be passed a court of appeal, to consist of such judge or judges and to have such ministerial or other officers thereof as by such Act or Acts may be provided, and such court shall hold its sittings in such place or places within the said Colonies or any of them, and at such times, and shall have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules, and other determinations of all or any of the courts of such Colony or Colonies, as by such Act or Acts may be provided:

Her Majesty may
establish court of
appeal.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the publication of this Act it shall be lawful for Her Majesty to erect and establish in this Island one superior court of judicature which shall be styled the Court of Appeal.

Judges of Appeal
Court.

2. The said court shall consist of and be holden by the Chief Justice of Antigua and Montserrat, the Chief Justices of Saint Christopher, Nevis, and Tortola and the Virgin Islands, and Dominica: Provided always, that the said Chief Justices shall be respectively barristers-at-law in Her Majesty's Courts of Chancery, Queen's Bench, and Common Pleas, and Exchequer, at Westminster or Dublin, or barristers of the courts in some or one of Her Majesty's colonial possessions.

Seal of court.

3. It shall be lawful for the Governor-in-Chief or officer administering the Government of Antigua to order and procure a suitable seal for the said Court

and proper books for the record of the proceedings, and to appoint a secretary and marshal of the said court, who shall respectively perform such duties and receive such fees as the justices of the said court shall prescribe.

Altered by Act of 13th August 1852, No. 113.

4. It shall be lawful for either of the parties, plaintiff or defendant, to appeal to the said court of appeal against any judgments, decrees, orders, rules, and other determinations of the Chief Justice of Antigua in the exercise of his legal, equitable, or ecclesiastical jurisdiction, and the judgments, orders, and other determinations of the said court of appeal shall be binding upon parties to suits now or hereafter to be instituted in the courts below, to all intents and purposes as the judgments, orders, and other determinations of the said courts, and shall and may be enforced as if the same were the judgment, order, or other determination of the court from whence the appeal shall proceed: Provided always, that it shall not be obligatory upon parties to appeal to the said court of appeal, but that the said parties may appeal directly to Her Majesty in Council.

In what cases appeal may be brought.

No. 98, s. 3.

5. It shall be lawful for either of the parties, plaintiff or defendant, to appeal to Her Majesty in Council against any judgment, order, or other determination of the said court of appeal, in such manner and upon and subject to such terms and conditions as Her Majesty by charter or letters patent or by instructions under the Royal sign manual shall please to direct.

Appeal to Her Majesty in Council.

6. The said court of appeal shall assemble in the city of Saint John on the fifth day of January and the fifth day of July in each year, and any three of the said justices shall constitute a court for the transaction of business, and any one justice shall constitute a court for the purpose of adjournment only; and in all sittings of the said court the judgments, orders, and other determinations of the majority of the judges sitting and forming the court shall be deemed and taken to be the judgments, orders, and other determinations of the said court.

Transaction of business.

Altered by Act of 13th August 1852, No. 113.

7. Copies of the judgments, orders, or other determinations of the said court of appeal, certified under the hand of the Secretary and seal of the said court, shall be conclusive evidence of such judgments, orders, or other determinations, and of all matters therein contained, in all and singular the courts of this Island.

Certified copy of judgment under seal evidence.

8. The said court of appeal shall be a court of record, and shall from time to time make such rules, orders, and regulations respecting appeals and the practice and mode of proceeding in the same, and the conduct and duties of the officers and practitioners therein, as to them shall seem fit, and from time to time to repeal or alter such rules, orders, or regulations.

Court of record with power to make rules.

9. The party intending to proceed in error shall give notice in writing by his counsel or attorney of such his intention within three days after the making of such judgment, order, or other determination, a copy of which notice and proof of the service thereof by affidavit before the chief or puisne justice being filed in the Secretary's office shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, order, or other determination which shall be the subject matter of appeal, until such appeal be disposed of: Provided always, that every appellant shall, as a condition precedent to such stay of proceedings, execute such security for costs' and the due prosecution of his appeal as the judge against whose judgment, order, or other determination the appeal is made shall direct.

Proceedings when party intends to appeal.

Security for costs.

10. As well the costs of defending any judgment, order, or other determination appealed from as of prosecuting any appeal, or in any matter intervening in any cause of appeal, and the costs on either side, or of any party to the subject matter of appeal, and the costs of opposing any matter which shall be referred to the

Costs of appeal.

said court, shall be paid by such party or parties, person or persons, as the said court shall order, and such costs shall be taxed by the Secretary under the order and direction of the said court.

Expenses of court.

11. It shall be lawful for the Governor-in-Chief or officer administering the Government to draw upon the Treasurer of this Island for any sum not exceeding one hundred pounds sterling in aid of the expenses incident to the constitution and maintenance of the said court.

No. 113.

AN ACT to alter an Act, entitled "An Act to authorize Her Majesty the Queen to establish a Court of Appeal in this Island."

[Dated and published 13th August 1852; Confirmed by Order in Council dated 8th June 1854.]

Recites No. 112.

WHEREAS it is provided by the Act authorizing Her Majesty the Queen to establish a court of appeal in this Island, that it shall be lawful for the Governor-in-Chief or officer administering the government of Antigua to appoint a secretary and marshal of the said court, who shall respectively perform such duties and receive such fees as the justices of the said court shall prescribe, and also that the said court shall assemble in the city of Saint John on the fifth day of January and the fifth day of July in each year:

And whereas it is expedient to alter the said several provisions:

Secretary and marshal.

May it therefore please Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the Governor and Commander-in-Chief of Your Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the publication of this Act the Secretary and provost marshal of the Island shall be the Secretary and provost marshal of the said court, and shall respectively perform such duties and receive such fees as the justices of the said court shall prescribe.

Their fees.

Sittings of court.

2. The said court shall assemble in the city of Saint John on the first Monday of the months of June and December in each year.

VIRGIN ISLANDS.

AN ACT to make Provision for the Establishment of a Court of Appeal from the Decisions of the Courts of these Islands. [Dated 13th October 1852.]

Recites 13 & 14 Vict.
c. 15.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the thirteenth year of the reign of Her Majesty Queen Victoria, in titled "An Act to authorize the Establishment of Courts of Appeal for certain " of Her Majesty's West India Colonies," it is enacted, that in case it appear to Her Majesty by any Act or Acts already passed or hereafter to be passed by the Legislature of the Colonies of Antigua, St. Christopher, and Dominica, or of the other Colonies now comprised in the commission of the Governor of Antigua, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, that due provision has been made for the establishment and maintenance of such court of appeal as therein mentioned, and for defining the jurisdiction of such court in relation to the Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty, by any order to be by Her made with the advice of Her Privy Council, to erect or establish for or in relation to the Colony or Colonies for which such Act or

Acts may be passed a court of appeal, to consist of such judge or judges and to have such ministerial and other officers thereof as by such Act or Acts may be provided, and that such court shall hold its sittings in such place or places within the said Colonies or in any of them, and at such times, and shall have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules and other determinations of all or any of the courts of such Colony or Colonies, as by such Act or Acts may be provided.

1. We, therefore, Your Majesty's dutiful and loyal subjects the President administering the government of the Virgin Islands, and the Council and Assembly of the same, do pray Your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted by the authority aforesaid, That the said court so to be established as aforesaid shall consist of and be holden by the Chief Justice of Antigua and Montserrat, and the Chief Justices of Saint Christopher and Dominica, and the Chief Justices or Chief Justice of all or any other of Her Majesty's Islands comprised in the commission of the Governor of Antigua as Her Majesty shall be pleased to appoint, provided such Chief Justices be at the time of their respective appointments barristers-at-law in Her Majesty's Courts of Chancery, Queen's Bench, Common Pleas, and Exchequer, at Westminster or Dublin, or of the courts in some or one of Her Majesty's Colonial Possessions. Constitution of court.

2. And be it enacted, That the party intending to appeal from any order, judgment, or sentence of the superior courts of these Islands shall give notice in writing by his counsel or attorney of such his intention within three days after the making or pronouncing of such order, judgment, or sentence, a copy of which notice and proof of the service thereof by affidavit to be sworn to before the judge pronouncing such order, judgment, or sentence being filed in the Secretary's office of these Islands shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, order, sentence, or decree which shall be the subject of appeal, until such appeal be disposed of: Provided always, that every appellant shall as a condition precedent to such stay of proceedings execute such security for costs and the due prosecution of his appeal as the judge against whose judgment, order, sentence, or decree the appeal is made shall direct. Notice of appeal, &c.
Security for costs.

3. And be it enacted, That the said court of appeal shall assemble at the city of St. John in the Island of Antigua on the first Monday in the months of June and December in each year, and at such other times as the said Governor of Antigua shall by order addressed to the judges constituting the said court of appeal direct, and that any three of the said justices shall constitute a court for the transaction of business, and any justice of the said court for the purpose of adjournment, and that it shall be lawful for any one of the said justices from time to time to adjourn and continue the said court of appeal; and that in all sittings of the said court the judgments, orders, and acts of the majority of the justices sitting and forming the court shall be deemed and taken to be judgments, orders, and acts of the said court. Times for sitting of court.
Quorum.

4. And be it enacted, That the Colonial Secretary of the said Island of Antigua shall be the Secretary, and the provost marshal of the said Island of Antigua shall be the provost marshal of the said court of appeal, and shall respectively, perform such duties in relation to the business of the said court and receive such fees for the performance and discharge of such duties as the justices thereof shall direct and award, and such justices are hereby authorized and empowered to fix a docket of fees for the remuneration of such officers respectively, and to alter the same from time to time as they shall in their discretion deem fit. Secretary and marshal.
Docket of fees.

Provision for expenses of court.

5. And be it enacted, That it shall be lawful for the Treasurer of these Islands and he is hereby authorized and required to pay to the order of the Governor of Antigua and the Leeward Islands any sum not exceeding twenty-five pounds sterling in any one year, to defray a just proportion of the expenses to be incurred in procuring a suitable seal for the said court of appeal, and proper books for the record of the proceedings, judgments, orders, and sentences of the said court, and the expenses to be incurred by the Chief Justice of this Island in relation to his duties as one of the justices of the said court of appeal.

Powers of local courts to regulate terms of appeal in criminal courts.

6. And be it enacted, That in all indictments, informations, and criminal suits and causes whatever, the court in which the same shall be preferred, filed, instituted, or tried shall have full and absolute power and authority to allow or deny the appeal of the party, and also to order and regulate the terms upon which the appeal shall be allowed, in cases in which the said court may think fit to allow such appeal.

Judgments of court of appeal to be binding.

7. And be it enacted, That the judgments, orders, and sentences of the said court of appeal shall be binding upon parties to suits now or hereafter to be had or instituted in the courts of judicature within these Islands, to all intents and purposes as the judgments, orders, and sentences of the said courts.

Costs.

8. And be it enacted, That as well the costs of defending any judgment, order, decree, or sentence appealed from, as of prosecuting any appeal or in any matter intervening in any case of appeal, and the costs on either side, or of any party to the subject matter of appeal, and the costs of opposing any matter which shall be referred to the said court, shall be paid by such party or parties, person or persons as the said court shall order, and that such costs shall be taxed by the Secretary, subject to the review of the said court at the instance of the party or parties, person or persons interested therein.

Mode of enforcing judgments, writs, &c.

9. And be it enacted, That the judgments, orders, and sentences of the said court of appeal shall and may be enforced in these Islands by all necessary writs under the hand and seal of the judge or officer whose duty it may be to issue similar writs in the court wherein the judgment, order, or sentence against which the appeal was made was first pronounced.

Certified copies of orders, &c. to be evidence.

10. And be it enacted, That copies of the judgments, orders, or sentences of the said court of appeal certified under the hand of the Secretary and seal of the said court shall be conclusive evidence of such judgment, order, or sentence, and of all matters therein contained, in all and singular the courts of these Islands.

SAINT CHRISTOPHER.

AN ACT to make further Provision for the Establishment of a Court of Appeal for the Leeward Caribbee Islands. [Dated 3rd November 1852.]

Preamble.

13 & 14 Vict. c. 15.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the thirteenth year of the reign of Her Majesty Queen Victoria, intituled "An Act to authorize the Establishment of Courts of Appeal for certain of Her Majesty's West India Colonies," it is enacted, that in case it appears to Her Majesty by any Act or Acts already passed or hereafter to be passed by the Legislature of the Colonies of Antigua, Saint Christopher, and Dominica, or of the other Colonies now comprised in the commission of the Governor of Antigua, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision has been made for the establishment and maintenance of such court of appeal as therein mentioned, and for defining the jurisdiction of such court in relation to the

Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty, by any order to be by Her made with the advice of Her Privy Council, to erect and establish for or in relation to the Colony or Colonies for which such Act or Acts may be passed a Court of Appeal, to consist of such judge or judges and to have such ministerial and other officers thereof as by such Act or Acts may be provided, and that such court shall hold its sittings in such place or places within the said Colonies or in any of them, and at such times and shall have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules, and other determinations of all or any of the courts of such Colony or Colonies as by such Act or Acts may be provided: And whereas by an Act of the Legislature of the said Island of Saint Christopher passed in the year one thousand eight hundred and forty-eight, intituled "An Act to alter and amend an Act" intituled "An Act to make Provision for the better Administration of" "Justice in the Island of Saint Christopher by the Appointment of a Chief Justice, a Puisne Justice, and a Vice-Chancellor, and to provide a Salary" "for the Crown Law Officer," it is enacted, That it shall be lawful for Her Majesty, Her heirs or successors, by charter or letters patent to make, constitute, and appoint a court of appeal in the said Island of Saint Christopher or in any part of the Leeward Island Government, including the said Island of Saint Christopher, with power and authority to hear and determine appeals from the superior courts of this Island, and also to appoint the Chief Justice of Saint Christopher to be one of the judges of the said court, and also to limit, direct, and appoint the powers, authority, and jurisdiction of the said Court of Appeal as Her Majesty, Her heirs or successors, shall deem it necessary:

Recites Act of Saint Christopher, 23rd March 1848.

1. Be it enacted by the authority of the Lieutenant-Governor of Your Majesty's Islands of Saint Christopher and Anguilla, and the Council and Assembly of the same, That the said court so to be established as aforesaid shall consist of and be holden by the Chief Justice of Antigua and Montserrat, and the Chief Justice of Saint Christopher and Dominica, and the Chief Justices or Chief Justice of all or any other of Her Majesty's Islands comprised in the commission of the Governor of Antigua as Her Majesty shall be pleased to appoint, provided such Chief Justices be at the time of their respective appointments barristers-at-law in Her Majesty's Courts of Chancery, Queen's Bench, Common Pleas, and Exchequer, at Westminster or Dublin, or of the courts in some or one of Her Majesty's colonial possessions.

Formation of the Court of Appeal.

2. And be it enacted, That the party intending to appeal from any order, judgment, or sentence of the superior courts of this Island shall give notice in writing by his counsel or attorney of such his intention within three days after making or pronouncing of such order, judgment, or sentence, a copy of which notice and proof of the service thereof by affidavit to be sworn before the judge pronouncing such order, judgment, or sentence being filed in the Secretary's office shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, order, sentence, or decree which shall be the subject matter of appeal, until such appeal be disposed of: Provided always, that every appellant shall, as a condition precedent to such stay of proceedings, execute such security for costs and the due prosecution of his appeal as the judge against whose judgment, order, sentence, or decree the appeal is made shall direct.

After the pronouncing of any order, judgment, or sentence of the superior courts of this Island, the party intending to appeal shall give notice within three days in writing by his counsel of such his intention, &c.

3. And be it enacted, That the said Court of Appeal shall assemble in the city of Saint John in the Island of Antigua on the first Monday of the months of June and December in each year, and that any three of the said justices shall constitute a court for the transaction of business, and any one justice of the said

The Court of Appeal to assemble at St. John's, Antigua, on the first Monday in June and December in each year.

Three justices shall constitute a court and one justice may adjourn.

Secretary and provost marshal of the appellate court.

125*l.* per annum allowed for the expenses of the appellate court.

The court to direct by whom costs are to be paid.

Costs to be taxed by the secretary under the order and direction of the court.

In indictments, informations, and criminal suits the court in which the same shall be filed to have absolute power to allow or deny the appeal.

Judgments, &c. of the Court of Appeal binding on parties to suits in the courts of judicature within this Island.

Judgments, &c. of the Court of Appeal to be enforced in this Island by writs under the hand and seal of the judge, &c.

Copies of the judgments, &c. of the Court of Appeal, &c. conclusive evidence of such judgment.

court for the purpose of adjournment, and that it shall be lawful for any one of the said justices from time to time to adjourn and continue the said Court of Appeal; and that in all sittings of the said court the judgments, orders, and acts of the majority of the justices sitting and forming the court shall be deemed and taken to be judgments, orders, and acts of the said court.

4. And be it enacted, That the Colonial Secretary of the said Island of Antigua shall be the Secretary, and that the provost marshal of the said Island of Antigua shall be the provost marshal of the said Court of Appeal and shall respectively perform such duties and receive such fees as shall be necessary for the due conduct and discharge of the business of the said court, and as the justices thereof shall direct and award.

5. And be it further enacted, That it shall be lawful for the officer administering the government of this Island to draw upon the Treasury of the said Island for any sum not exceeding in any one year the sum of one hundred and twenty-five pounds allowed for the appellate court by Act number six hundred and sixty-nine as may be requisite to defray a just proportion of the expenses to be incurred in procuring a suitable seal for the said court, and proper books for the record of the proceedings, judgments, orders, and sentences of the said court, and the travelling and other expenses to be incurred by the Chief Justice of this Island attending the sittings of the said court at Antigua.

6. And be it enacted, That as well the costs of defending any judgment, order, decree, or sentence appealed from, as of prosecuting any appeal, or in any matter intervening in any cause of appeal, and the costs on either side or of any party to the subject matter of appeal, and the costs of opposing any matter which shall be referred to the said court, shall be paid by such party or parties, person or persons, as the court shall order, and that such costs shall be taxed by the Secretary under the order and direction of the said court.

7. And be it enacted, That in all indictments, informations, and criminal suits and causes whatever the court in which the same shall be filed, instituted, or tried, shall have full and absolute power and authority to allow or deny the appeal of the party, and also to order and regulate the terms upon which the appeal shall be allowed in such cases in which the said court may think fit to allow such appeal.

8. And be it enacted, That the judgments, orders, and sentences of the said Court of Appeal shall be binding upon parties to suits now or hereafter to be had or instituted in the courts of judicature within this Island to all intents and purposes as the judgments, orders, and sentences of the said courts.

9. And be it enacted, That the judgments, orders, and sentences of the said Court of Appeal shall and may be enforced in this Island by all necessary writs under the hand and seal of the judge or officer whose duty it may be to issue similar writs in the court wherein the judgment, order, or sentence against which the appeal was made was first pronounced.

10. And be it further enacted, That copies of the judgments, orders, or sentences of the said Court of Appeal certified under the hand of the Secretary and seal of the said court shall be conclusive evidence of such judgment, order, or sentence, and of all matters therein contained, in all and singular the courts of this Island.

DOMINICA.

AN ACT to enable the Chief Justice of this Island to sit as a Member of the Court of Appeal authorized to be established in the Island of Antigua for the Islands composing the Leeward Islands Government, and to give Jurisdiction to such Court over the Judgments, Decrees, and Orders of the Courts of Chancery and Common Pleas, and Court Merchant of this Island.

[Dated 8th October 1853.]

Preamble.

WHEREAS it is deemed expedient for the better administration of justice and the greater convenience of suitors that an appeal from the judgments, decrees, and orders of the Courts of Chancery and Common Pleas, and Court Merchant of this Island, may be had to the Court of Appeal authorized to be erected and established in the Island of Antigua for the Islands composing the Leeward Islands Government: And whereas it is necessary to provide that the Chief Justice of this Island shall be enabled to sit as a member of the said Court of Appeal, and also that such Court of Appeal shall be vested with the power and authority requisite for the hearing and deciding of such matters as may be referred to such court from this Island, and for making rules and regulations as shall from time to time be deemed necessary by the said court for the practice and proceedings thereof, and which shall be binding on suitors from this Island: We, therefore, Your Majesty's dutiful, loyal, and obedient subjects the Governor, Council, and Assembly of this Your Majesty's Island of Dominica, do humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted and ordained by the authority of the same:

1. That the Court of Appeal erected and established in the Island of Antigua under the authority of an Act of the Imperial Parliament passed in the thirteenth year of the reign of Victoria, entitled "An Act to authorize the establishment of Courts of Appeal for certain of Her Majesty's West India Colonies," shall have and exercise jurisdiction over the judgments, rules, decrees, orders, and sentences respectively of the Courts of Chancery and Common Pleas, and Court Merchant of this Island.

Court of Appeal erected in Antigua to have jurisdiction over decisions of courts of Dominica.

2. That the Chief Justice of this Island for the time being, being a barrister admitted of one of the Inns of Court or a barrister of ten years' standing in any of Her Majesty's Colonies, together with the Chief Justice of Antigua and Saint Christopher and of any other Island now comprised in the commission of the Governor of Antigua, shall be the justices of the said Court of Appeal, and the said Chief Justice of this Island shall be authorized to attend as a judge of such court in Antigua from time to time as herein-after provided.

Judges of court.

3. That the said Court of Appeal shall assemble at the city of St. John in Antigua on the first Monday of June and the first Monday of December in each year.

Times for meeting of court.

4. That the provost marshal of the said Island of Antigua shall be the provost marshal, and the Colonial Secretary of the said Island of Antigua shall be the secretary of the aforesaid Court of Appeal.

Secretary and marshal.

5. That the Court of Appeal shall be a court of record, and shall from time to time make such rules, orders, and regulations respecting appeals and the practice and mode of proceeding in the same and the conduct and duties of the officers and practitioners therein as shall seem fit, and from time to time to repeal or alter such rules, orders, or regulations: Provided always, that no such rules, orders, or regulations shall be of any force or effect until the same shall have been approved by the Governor-in-Chief or officer administering the Government of Antigua.

Court of record, with power to make rules.

Persons qualified to practise in court.

6. That all barristers, solicitors, and attorneys admitted to practise in this Island shall and may practise in the Island of Antigua in the said Court of Appeal upon producing to the court under the hand of the Chief Justice of this Island (or during his illness or absence of one of the assistant justices of the Court of Common Pleas) and the seal of the Court of Common Pleas of this Island, a certificate of their having been admitted to practise in this Island, for which certificate no fee shall be charged or payable.

Governor of Antigua by proclamation to settle precedence of judges, style of court, &c.

7. That the Governor-in-Chief or the officer administering the Government of Antigua may and he is hereby authorized by his proclamation to appoint and settle the order of precedence of the justices of the said Court as well as the style and title of the said court, and all proceedings in the said court shall be entitled accordingly.

Three judges a quorum for transaction of business.

8. That any three of the said justices shall constitute a court for the transaction of business, and that in all sittings of the said court the judgments, orders, and acts of the majority of the said justices shall be deemed and taken to be judgments, orders, and acts of the said court: Provided always, that it shall be lawful for any one of the said justices to adjourn the said Court.

One judge may adjourn.

Seal and books of court.

9. That it shall be lawful for the Governor-in-Chief or officer administering the Government of Antigua to order and procure a suitable seal for the said court, and proper books for the record of the proceedings, judgments, orders, and sentences of the said court.

Appeals.

10. That it shall be lawful for either of the parties complainant, plaintiff or defendant, or other persons affected thereby, to appeal to the said Court of Appeal against any judgment, rule, decree, order, or sentence of the Courts of Chancery, Common Pleas, or Court Merchant of this Island respectively: Provided always, that it shall not be held to be obligatory upon the said parties so to appeal to the said court, but the said parties may appeal direct to Her Majesty in Council or to the Judicial Committee of Appeal in England: And provided also, that it shall be lawful for either of the parties to appeal in like manner against any judgment, rule, decree, order, or sentence of the said Court of Appeal in such manner and upon and subject to such terms and conditions as Her Majesty by charter or by letters patent or by instructions under the Royal sign manual shall please to direct.

Proviso as to appeal direct to Queen in Council and from judgments of Court of Appeal.

11. That whenever any appeal to the said Court of Appeal shall be from the judgment or order of any court in this Island which might have been held by the assistant justices of the Court of Common Pleas, under the provisions of the Act of this Island empowering such assistant justices in certain cases to hear and determine suits in the stead of the Chief Justice, then and in every such case of appeal all matters and things which by this Act are authorized or required to be done and performed by or before the Chief Justice of this Island may and shall be done and performed by or before any one of the assistant justices who might have sat upon the trial of the cause out of which the appeal might have arisen; and it shall be further lawful for any one of the said assistant justices in cases of appeals arising out of suits heard before the Chief Justice to do and perform all matters and things out of court which in every such case is by this Act prescribed to be done and performed by the Chief Justice, except where it is by this Act otherwise provided.

Provisions as to certain cases where assistant justice may act instead of Chief Justice.

Notice of appeal.

12. That the party intending to proceed on appeal shall within thirty days after judgment, rule, decree, order, or sentence to be appealed from give notice in writing by his council or attorney to the respondent of such his intention, a copy of which notice and proof of the service thereof by affidavit sworn before one of the masters of the Court of Chancery, if the appeal be from a proceeding in chancery and filed in the office of the registrar in Chancery, or if the pro-

ceeding be in the Court of Common Pleas or Court Merchant, then such affidavit sworn before the Chief Justice or one of the assistant justices of the Court of Common Pleas and filed in the Secretary's office of this Island shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, rule, decree, order, or sentence which shall be the subject matter of appeal, until such appeal shall be disposed of.

13. That all judgments, decrees, orders, or sentences intended to be appealed from shall from the date on which the same shall have been respectively pronounced or made be a lien and charge upon and shall bind the property of the lands, goods, chattels, and effects of the persons against whom the same may have been so made or pronounced to all intents and purposes in the same manner as executions from the Court of Common Pleas now bind the property, real and personal, of Defendants in the said last-mentioned court: Provided always, that parties intending to appeal as aforesaid shall previously give sufficient surety to the satisfaction of the court below in the sum of one hundred pounds sterling to answer such costs and expenses of the adverse party as the Court of Appeal may award.

Judgments intended to be appealed from to bind property from date of judgment in same manner as executions.

Proviso as to security for costs and expenses.

14. That it shall be lawful for the said Court of Appeal in any matter which shall be referred to such court to examine witnesses by word of mouth, and either before or after examination by deposition, or to direct that the depositions of any witness shall be taken in writing by the Secretary of such court, or by such other person or persons, and in such manner, order, and course as the said court shall appoint and direct; and that the said Secretary and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the Court of Chancery of this Island.

Examination of witnesses.

Secretary to have powers of examining in Chancery.

15. That in any matter which shall come before the said court it shall be lawful for the said court to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said court shall seem fit, notwithstanding any such witness may not have been examined or no evidence may have been given on any such facts in a previous stage of the matter, and it shall also be lawful for the said court upon any appeal to remit the matter which shall be the subject of such appeal to the court in this Island from the decision of which such appeal shall have been made, and at the same time to direct that such court shall rehear such matter in such form, or either generally or upon certain points only, and upon such re-hearing take such additional evidence, though before rejected, or reject such evidence before admitted, as the said court shall direct; and further, on any such remitting or otherwise, it shall be lawful for the said court to direct one or more feigned issue or issues to be tried in any court of common law at the sittings for the trial of issues in this Island, and either by a special or common jury, in like manner and for the same purpose as can now be ordered to be done by the Court of Chancery of this Island.

Conduct of proceedings as to evidence.

Court may remit cases for rehearing, or direct feigned issue to be tried before a jury.

16. That every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or if a Quaker or Moravian upon solemn affirmation, which oath and affirmation respectively shall be administered by the said court and Secretary, and by such other person or persons as the said court shall appoint, and that every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury, and shall be punished accordingly.

Evidence to be on oath or affirmation.

Penalty for perjury.

17. That it shall be in the discretion of the said court to direct that on the trial of any such issue the depositions already taken of any witness who shall have died or who shall be incapable to give oral testimony shall be received in evidence, and further, that such deeds, evidences, and writings shall be produced and that such facts shall be admitted as to the said court shall seem fit.

Court may direct depositions of witnesses dead or incapable of oral testimony to be admitted.

Court may make same orders in respect of admission of witnesses on trial of issue as Court of Chancery.

Court may direct new trials of any issue, &c.

Commissions for examination of witnesses.

Power to enforce attendance.

Costs of commission in discretion of court.

Costs, how taxed.

Enrolment of decrees, &c.

Court may refer matters to secretary or other person to be appointed in like manner as Court of Chancery refers to master.

Power to require attendance of witnesses by subpoena, &c.

Provisions for carrying into effect the orders and decrees of court.

18. That it shall be lawful for the said court to make such and like orders respecting the admission of persons, whether parties or others to be examined as witnesses upon the trial of any such issues as aforesaid, as the Court of Chancery in this Island can make respecting the admission of witnesses upon the trial of issues directed by such Court of Chancery.

19. That it shall be lawful for the said court to direct one or more new trials of any issue either generally or upon certain points only, and that in case any witness examined at a former trial of the same issue shall have died, or have through bodily or mental disease or infirmity become incapable to repeat his testimony, it shall be lawful for the said court to direct that parol evidence of the testimony of such witness be received.

20. That it shall and may be lawful for the said court upon motion there to be made, either on behalf of the appellant or respondent, to provide or award such writ or writs in the nature of a commission to the justice or justices of the Court of Common Pleas or Court Merchant, or to one of the masters of the Court of Chancery of this Island for the time being, as the case may require, for the examination of witnesses in the case of any judgment, rule, decree, order, or sentence appealed from this Island to the said court, and such examination being duly returned shall be allowed and read, and shall be deemed good and competent evidence at any hearing of the appeal.

21. That when any commission shall issue under the authority of this Act, the justices or master to whom the same shall be directed, shall have the like power to compel and enforce the attendance as they respectively may possess for that purpose in suits or causes depending in their respective courts.

22. That the costs of every commission to be issued under the authority of this Act shall be in the discretion of the said court.

23. That the costs incurred in the prosecution of any appeal or matter referred to the said court, and of such issues as the same court shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid Secretary, or such other person or persons to be appointed by the said court, and in such manner as the said court shall direct.

24. That the orders or decrees of the said court made in any matter of appeal from the judgment, rule, decree, order, or sentence of any court or judge of this Island shall be enrolled for safe custody in such manner, and the same may be inspected, and copies thereof taken, under such regulations as the said court shall direct.

25. That it shall be lawful for the said court to refer any matter to be examined and reported on to the aforesaid Secretary, or to such other person or persons as shall be appointed by the said court, in the same manner and for the like purposes as matters are referred by the Court of Chancery of this Island to a master of the said court, and that for the purposes of this Act the said Secretary and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a master in Chancery.

26. That it shall be lawful for the said court to require the attendance of any witnesses, and the production of any deeds, evidences, or writings, by writ to be issued of Subpoena ad testificandum or of Sub duces tecum, as the case may require.

27. That the order or decree of the said court on any appeal from the judgment, rule, decree, order, or sentence of any court of justice in this Island shall be carried into effect in such manner and subject to such limitations and conditions as the said court shall direct, and it shall be lawful for the said court by order to direct that such court of justice in this Island shall carry the same

into effect accordingly, and thereupon such court of justice shall have the same power of carrying into effect and enforcing such judgment, rule, decree, order, or sentence to all intents and purposes as in other the judgments, rules, decrees, orders, and sentences of the said court respectively.

28. That in any case where any order shall have been made on such appeal as last aforesaid the same shall have full force and effect notwithstanding the death of any of the parties interested therein; but that in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute before the hearing thereof, then the order of the said court in respect of such appeal shall have no effect.

29. That it shall be lawful for the said court from time to time to make any such rules, orders, and regulations, and to alter the same, as may be thought fit for the preventing delays in hearing such appeals.

30. That the judgments, orders, and sentences of the said Court of Appeal shall be binding upon parties to suits now or hereafter to be had or instituted in the courts below to all intents and purposes as the judgments, orders, and sentences of the said courts.

31. That copies of the judgments, orders, or sentences of the said Court of Appeal certified under the hand of the Secretary and seal of the said court shall be conclusive evidence of such judgments, orders, or sentences, and of all matters therein contained in all and singular the courts of this Island.

32. That subpoenas shall and may be tested, issued, and served on witnesses in manner directed by the Act of this Island commonly called the Court Act, and under the like pains and penalties as thereby imposed.

33. That no fees whatsoever shall be demanded by or payable to the Chancellor, Chief Justice, or any assistant justice of this Island in respect of any copies or transcripts of any papers required upon appeal, or for certificates thereto.

34. That copies or transcripts of papers certified by the registrar in Chancery, Secretary, registrar of deeds, or provost marshal of this Island from their respective offices in the usual manner shall be received in the said Court of Appeal.

35. That a docket of fees for the Secretary, marshal, and practitioners of the said Court of Appeal shall be framed by the justices of such court or a majority of them, and on the same being sanctioned and signed by the Governor-in-Chief of the said Island of Antigua or the officer administering the government of the said Island, the same shall be binding on all suitors in the said Court of Appeal and authorized to be demanded, taken, and recovered by the said Secretary, marshal, and practitioners of the said court.

36. That the Chief Justice of this Island shall be entitled to receive from the public treasury of this Island the sum of twenty-five pounds, and which shall be in full for his travelling and other expenses to and from and during his residence in the said Island of Antigua each time he shall attend the said court.

37. That it shall be lawful for the Governor-in-Chief of the said Island of Antigua, or the officer administering the government of the said Island, to draw upon the Treasurer of this Island from time to time for a proportionate part of the expenses incident to the constitution and maintenance of the said court, not exceeding the sum of ten pounds per annum.

38. And whereas it not being intended that the proceedings in the several courts of civil judicature of this Island should be stayed or affected under authority of this Act before the said Court of Appeal at Antigua should be fully erected and established, in order to remove any doubts therein and to determine the

Orders, &c. not to be affected by death of parties. Proviso in cases of discontinuance, &c.

Court may make orders, &c. for preventing delays.

Judgments, &c. of Court of Appeal to be binding as judgments, &c. of courts below.

Certified copies of judgments, &c. to be evidence.

Subpoenas to be tested, &c. as directed by "Court Act."

No fees payable to Judges of Dominica in respect of transcripts required.

Copies certified in usual official manner to be received by court.

Docket of fees for Court of Appeal.

Provision for travelling expenses of Chief Justice.

Expenses of court.

Act not to take effect until proclamation of erection of Court of Appeal

From proclamation so much of Act of 6th May 1893 as relates to Court of Error repealed.

Proviso.

Subject to restriction Act to be in force from publication. Act not to interfere with 6 W. 4. c. 17. &c.

From publication, Acts of 18th Sept. 1848 and 8th Nov. 1848 repealed.

period when the said Act shall have full effect: Be it enacted, That until the Governor or officer administering the government of this Island shall declare by proclamation in this Island the said Court of Appeal in the said Island of Antigua to be erected, established, and in operation, the power and proceedings for appeal given under and by virtue of this Act shall remain in abeyance, but that so soon as proclamation as aforesaid shall be made in this Island this Act shall be deemed to be in full force and effect: And from thenceforth so much of an Act of this Island published the fifth day of May one thousand eight hundred and three, intituled "An Act for establishing and regulating the Proceedings of the Courts of Common Pleas, Error, King's Bench, and of Grand Sessions of the Peace for the Island of Dominica," and also for repealing an Act, entitled "An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions of the Peace," commonly called the Court Act, as establishes and regulates a Court of Error in this Island, shall be and the same is hereby repealed: Provided always, that no cause or matter which may be pending before the Court of Error in this Island when this Act shall come into force, and the said Court of Appeal shall be proclaimed to be in operation, shall be abated or discontinued by reason thereof, but the same may be proceeded with in the said Court of Error as if this Act had not been made.

39. That subject to the restriction and provision contained in the preceding clause this Act shall be in force from and after the publication thereof.

40. That nothing in this Act contained shall be construed to interfere with or prevent the operation of the Act of the Imperial Parliament passed in the sixth year of the reign of His late Majesty King William the Fourth, chapter seventeen, intituled "An Act to make Provision for the better Administration of Justice in certain of His Majesty's West India Colonies," or of the Act of this Island, intituled "An Act to make Provision for the better Administration of Justice in the Island of Dominica," so soon as Her Majesty the Queen shall be pleased to declare by Order in Council, to be published in the London Gazette, and promulgated within the Islands and Governments mentioned in the said Act, that such Act of the Imperial Parliament shall have come and be deemed and taken to have come into operation within such Islands and Governments.

41. That from and after the publication of this Act, an Act, intituled "An Act to authorize and enable the Chief Justice of this Island to sit as a Member of a Court of Error and Appeal to be established in the Island of Antigua for the Islands composing the Leeward Islands Government, and to give Jurisdiction to such Court over the Judgments, Decrees, and Orders of the several Courts of Civil Judicature of this Island," published the eighteenth day of September one thousand eight hundred and forty-eight, and also an Act, intituled "An Act to alter and amend an Act, intituled 'An Act to authorize and enable the Chief Justice of this Island to sit as a member of the Court of Error and Appeal to be established in the Island of Antigua for the Islands composing the Leeward Islands Government, and to give Jurisdiction to such Court over the Judgments, Decrees, and Orders of the several Courts of Civil Judicature of this Island,' and to repeal part of the same," published the eighth day of November one thousand eight hundred and forty-eight, shall be and the same are hereby repealed.

MONTSERRAT.

An Act for constituting a Court of Appeal for this Island.

[6th December 1853.]

WHEREAS it is desirable to make provision for the speedier and cheaper hearing of appeals from the determination of the superior courts of judicature of this Island than at present exists :

Preamble.

We, therefore, Your Majesty's most dutiful and loyal subjects the President administering the Government of the said Island, and the Council and Assembly of the same, do pray that it may be enacted, and be it and it is hereby enacted by the authority aforesaid that :

1. A superior court of judicature shall be erected which shall be called the "Court of Appeal of the Leeward Islands," and shall hear under the conditions herein-after specified all appeals from the judgments, decrees, orders, rules, and other determinations of the Chief Justice of this Island in the exercise of his legal, equitable, or ecclesiastical jurisdiction; and which said court shall consist of and be holden by the Chief Justice of this Island, together with the chief justices of all or any other of Her Majesty's Islands comprised in the commission of the Governor of Antigua as Her Majesty shall be pleased to appoint; provided that such chief justices be at the time of their respective appointments barristers-at-law in Her Majesty's superior courts of judicature at Westminster or Dublin, or in one of Her Majesty's colonial possessions; and any three of the said judges shall constitute a quorum for the transaction of the business of the said court; and in all sittings of the said court the judgments, decrees, orders, rules, and other determinations of the judges then present shall be deemed to be the judgments, decrees, orders, rules, and determinations of the said court.

A court to be erected to hear all appeals from the judgments, &c. of the Chief Justice of this Island, to consist of the Chief Justice of this Island with the chief justices of all or any other of the Islands comprised in the commission of the Governor of Antigua.

Any three of the said judges to form a quorum.

2. And be it further enacted, That copies of the judgments, decrees, orders, rules, and other determinations of the said Court of Appeal duly signified under the hand of the Secretary and under the seal of the said court, shall be binding upon parties to suits now or hereafter to be instituted in the courts of this Island to all intents and purposes as the judgments, decrees, orders, rules, and other determinations of the said last-mentioned courts, and shall be enforced in this Island by all necessary writs under the hand and seal of the judge or officer whose duty it may be to issue similar writs in the court wherein the judgment, decree, order, rule, or other determination against which the appeal shall have been made was fully pronounced.

Copies of judgments, &c. of the Court of Appeal shall be binding upon parties to suits and shall be enforced by writs under the hand of the officer whose duty it was to issue such writ in the court wherein the judgment was first pronounced.

3. And be it further enacted, There shall be attached to such Court of Appeal for the due conduct of the business thereof a secretary and provost marshal, which offices shall be held by the Secretary and provost marshal of the Island of Antigua for the time being, and such Secretary and marshal shall be entitled in respect of any such business so transacted by them respectively to such fees as the said court shall order.

The Secretary and provost marshal of Antigua to be the secretary and provost marshal of the Court of Appeal, and shall be entitled to such fees as the court shall order.

4. And be it further enacted, That the aforesaid Court of Appeal shall assemble and be holden at the city of Saint John in the Island of Antigua on the first Monday which shall be in the months of June and December in each year, and any one of the judges of the same may adjourn and continue the said court from time to time as to him may seem reasonable.

The Court of Appeal to assemble in Antigua on the first Monday in June and December, and any one judge may adjourn the court.

5. And be it further enacted, That the aforesaid Court of Appeal may from time to time make and again repeal and alter such regulations and orders respecting the prosecuting of appeals and the mode of proceeding in the same

Authority to the court to make regulations respecting the mode

of proceeding in appeals.

Court authorized to impose such costs on parties to the suit as it shall think proper.

Directions to parties intending to proceed in error.

Parties may appeal to the Queen in Council against any judgment, &c. of the Court of Appeal.

Parties may appeal direct to Her Majesty in Council if they shall so please.

and respecting the duties and conduct of the officers and practitioners of the said court as to it may seem fit.

6. And be it enacted, That the costs of defending any judgment, decree, order, rule, or other determination appealed from, as of prosecuting any appeal, or incurred in any matter intervening in any cause of appeal, and the costs of either side, or of any party to the subject matter of appeal, and the costs of opposing any matter which shall be referred to the said court, shall be paid by such person or persons as the court shall order, such costs having been first duly taxed by the Secretary under the directions of the said court.

7. And be it enacted, That any party intending to proceed in error shall give notice in writing by his counsel or attorney of such his intention within three days of the pronouncing or making the judgment, decree, order, rule, or other determination appealed from, and proof by affidavit made before the Chief Justice or puisne justice and filed in the Secretary's office of this Island of the service of the same upon the other party or parties to the suit shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, decree, order, rule, or other determination which shall be the subject matter of appeal, until such appeal shall be disposed of: Provided always, that every appellant shall as a condition precedent to such stay of proceedings execute such security for costs and the due prosecution of his appeal as the judge against whose judgment, decree, order, rule, or other determination the appeal is made shall direct.

8. And be it enacted, That any party, whether plaintiff or defendant in error, may prosecute an appeal against any judgment, decree, order, rule, or other determination of the said Court of Appeal to the Queen in Council, subject to such terms and conditions as Her Majesty by charter or letters patent or by instructions under the Royal sign manual shall please to direct.

9. Provided always, That it shall not be obligatory on any party who shall desire the reversal of any judgment, decree, order, rule, or other determination of the courts of this Island to prosecute their appeal to the said Court of Appeal, but that such party may appeal in cases wherein they shall prefer it as hereinbefore to Her Majesty in Her most honourable Privy Council.

Dated at Montserrat the sixth day of December one thousand eight hundred and fifty-three and in the seventeenth year of Her Majesty's reign.

At the Court of Buckingham Palace the 8th day of June 1854.

Present:

The Queen's Most Excellent Majesty.
His Royal Highness Prince Albert.

Lord President.
Lord Privy Seal.
Duke of Newcastle.
Duke of Wellington.
Lord Chamberlain.
Marquis of Abercorn.
Lord Steward.

Earl of Aberdeen.
Earl of Clarendon.
Viscount Palmerston.
Mr. Herbert.
Sir James Graham, Bart.
Mr. Chancellor of the Exchequer.
Sir Charles Wood, Bart.

Recitals.

WHEREAS by an Act passed in the 13th year of the reign of Her present Majesty, entitled "An Act to authorize the Establishment of Courts of Appeal " for certain of Her Majesty's West India Colonies," it was amongst other things enacted, that in case it should appear to Her Majesty that by any Act or

Acts already passed or thereafter to be passed by the Legislatures of the Colonies of Antigua, Saint Christopher, and Dominica, or of the other Colonies then comprised in the commission of the Governor of Antigua, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision had been made for the establishment and maintenance of such Court of Appeal as therein-after mentioned, and for defining the jurisdiction of such court in relation to the Colony or Colonies for which such Act or Acts might be passed, it should be lawful for Her Majesty by any order to be by her made with the advice of Her Privy Council to erect and establish, for and in relation to the Colony or Colonies for which such Act or Acts might be passed, a court of appeal, to consist of such judge or judges and to have such ministerial or other officers thereof as by such Act or Acts might be provided; and such court should hold its sittings in such place or places within the said Colonies or any of them and at such times and should have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules, and other determinations of all or any of the courts of such Colony or Colonies as by such Act or Acts might be provided:

And whereas the Legislatures of Antigua, Saint Christopher, and Dominica aforesaid, and also the Legislatures of the Virgin Islands and of Montserrat (being Colonies within the commission of the Governor of Antigua as aforesaid), have passed respectively Acts making provision for the establishment of such a Court of Appeal as aforesaid, as by the schedule to this Order in Council more fully appears, which Acts of the said Legislatures have been severally confirmed by Her Majesty with the advice of Her Privy Council:

And whereas it hath appeared to Her Majesty that due provision hath been made by the said Acts for the establishment and maintenance of such Court of Appeal as in the said Act mentioned, and for defining the jurisdiction of such Court of Appeal:

It is therefore ordered by Her Majesty under the authority of the said Act of Parliament, and by and with the advice of Her Privy Council, and Her Majesty doth hereby erect and establish, for and in relation to the said Colonies of Antigua, St. Christopher, Dominica, the Virgin Islands, and Montserrat, a court of appeal which shall be called the Court of Appeal for the Leeward Islands. Erection of court.

And it is further ordered, That the said court shall consist of and be holden before the following judges, namely, the Chief Justice for the time being of Antigua, Montserrat, St. Christopher, Nevis, the Virgin Islands, and Dominica, and that any three of such judges shall constitute a court for the transaction of business, and any one of such judges shall be empowered to adjourn such court from time to time, as in the said Acts of the said Colonies is provided. Constitution of court.

And it is hereby further ordered, That the said court shall have for and in relation to each of the said Colonies such jurisdiction as is provided by the respective Act or Acts herein-before mentioned of the said Colonies. Jurisdiction of court.

And it is ordered, That the Chief Justice of Antigua for the time being shall be and be styled Chief Justice of the said Court of Appeal, and shall have precedence as such, and that the other judges of the said Court of Appeal shall have precedence according to their respective seniority, following the date of their appointments as such Chief Justices as aforesaid. Precedence of judges.

And whereas it is by the said recited Act of the 13th year of Her Majesty further provided, that it shall and may be lawful for Her Majesty by any such order or orders of Her Majesty in Council as aforesaid, or by any other order or orders in Council to be made in that behalf, to allow any person or persons feeling aggrieved by any judgment, decree, order, or sentence of such Court of Appeal to appeal therefrom to Her Majesty in Council in such manner, within such time, and under and subject to such rules, regulations, and limitations as Her Majesty by such order or orders in Council shall appoint and prescribe;

Regulations as to
appeals from Court
of Appeal.

Value of claim at
issue in appeals to be
not less than 300*l*.

Security for costs not
exceeding 500*l*.

Court may permit
appeal from interlocu-
tory as from final
decrees.

Provision for formal
judgment for purpose
of appeal in cases
where no final judg-
ment can be duly
given.

Now it is hereby further ordered, That it shall and may be lawful for any person or persons to appeal to Her Majesty, Her heirs and successors, in Her or their Privy Council, from any final judgment, decree, or sentence of the said Court of Appeal, in such manner, within such time, and under and subject to such rules, regulations, and limitations as are herein-after mentioned; that is to say, in case any such judgment, decree, order, or sentence shall be given or pronounced for in respect of any sum or matter at issue above the amount or value of three hundred pounds sterling, or in case such judgment, decree, order, or sentence shall involve directly or indirectly any claim, demand, or question to or respecting property in any civil right amounting to or of the value of three hundred pounds sterling, the person or persons feeling aggrieved by any such judgment, decree, order, or sentence may within fourteen days next after the same shall have been pronounced, made, or given, apply to the said court by motion for leave to appeal therefrom to Her Majesty, Her heirs and successors, in Her or their Privy Council; and in case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money or perform any duty, the said court shall and is hereby empowered either to direct that the judgment, decree, order, or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said court may appear to be most consistent with real and substantial justice; and in case the said court shall direct such judgment, decree, order, or sentence to be carried into execution, the person or persons in whose favour the same shall be given shall before the execution thereof enter into good and sufficient security to be approved by the said court for the due performance of such judgment or order as Her Majesty, Her heirs and successors, shall think fit to make upon such appeal; and that in all cases security shall also be given by the party or parties appellant in a bond or mortgage or personal recognizance not exceeding the value of five hundred pounds sterling for the prosecution of the appeal and for the payment of all such costs as may be awarded by Her Majesty, Her heirs and successors, or by the Judicial Committee of Her Majesty's Privy Council, to the party or parties respondent; and that such security as aforesaid for the prosecution of the appeal and for the payment of all such costs as may be awarded be completed within twenty-eight days from the date of the motion or petition for leave to appeal, and the party or parties appellant shall then and not otherwise be at liberty to prefer and prosecute his, her, or their appeal to Her Majesty, Her heirs and successors, in Her or their Privy Council, in such manner and under such rules as are or may be observed in appeals made to Her Majesty from Her Majesty's Colonies and plantations abroad.

And it is further ordered, That it shall be lawful for the said court at its discretion on the motion of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said court, to grant permission to such party to appeal against the same to Her Majesty, Her heirs and successors, in Her or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Provided also, That if in any action, suit, or other proceeding it shall so happen that no final judgment, decree, order, or sentence can be duly given in consequence of a disagreement of opinion between the judges of the said court, then in such case the final judgment, decree, order, or sentence may be entered *pro forma* on the petition of any of the parties to the action, suit, or other proceeding, according to the opinion of the Chief Justice, or in his absence of the next judge of the said court in the herein-before contained order of precedence: Provided that such judgment, decree, order, or sentence of the court shall be deemed a judgment, decree, order, or sentence of the court for the purpose of an appeal against the same but not for any other purpose.

Provided always, and it is hereby ordered, That nothing herein contained doth or shall extend or be construed to extend to take away or abridge the undoubted right and authority of Her Majesty, Her heirs and successors, upon the humble petition of any person or persons aggrieved by any judgment or determination of the said court at any time to admit his, her, or their appeal therefrom, upon such terms and upon such securities, limitations, restrictions, and regulations as Her Majesty or Her heirs or successors shall think fit, and to reverse, correct, or vary such judgment or determination, as to Her Majesty, Her heirs or successors, shall seem meet.

Proviso reserving right of the Crown to permit appeals upon petition.

And it is further ordered, That in all cases of appeal made from any judgment, order, sentence, or decree of the said court to Her Majesty, Her heirs or successors, in Her or their Privy Council, such court shall certify and transmit to Her Majesty, Her heirs and successors, in Her or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said court, and that the said court shall also certify and transmit to Her Majesty, Her heirs and successors, in Her or their Privy Council, a copy of the reasons given by the judges of such court or by any of such judges for or against the judgment or determination appealed against; and it is further directed and ordained, that the said court shall in all cases of appeal to Her Majesty, Her heirs or successors, conform to and execute or cause to be executed such judgments and orders as Her Majesty, Her heirs or successors, in Her or their Privy Council, shall think fit to make in the premises in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said court should or might have been executed.

Certified copies of proceedings and of judges reasons to be transmitted in all cases of appeal to Her Majesty in Council.

Judgments, &c. Privy Council to be executed as judgments of Court of Appeal.

And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

W. L. BATHURST.

SCHEDULE.

Numbers in Secretary of State's office.	ANTIGUA.	Pages ante.
No. 627.	An Act to authorize Her Majesty the Queen to establish a Court of Appeal in this Island.	276.
No. 628.	An Act to alter an Act entitled, An Act to authorize Her Majesty the Queen to establish a Court of Appeal in this Island.	278.
	ST. CHRISTOPHER.	
No. 416.	An Act to make further Provision for the Establishment of a Court of Appeal for the Leeward Caribbee Islands.	280.
	DOMINICA.	
No. 562.	An Act to enable the Chief Justice of this Island to sit as a Member of the Court of Appeal authorized to be established in the Island of Antigua for the Islands comprising the Leeward Island Government, and to give Jurisdiction to such Court over the Judgments, Decrees, and Orders of the Courts of Chancery and Common Pleas and Court Merchant of this Island.	283.
	VIRGIN ISLANDS.	
No. 213.	An Act to make Provision for the Establishment of a Court of Appeal from the Decisions of the Courts of these Islands.	278.
	MONTSERRAT.	
No. 240.	An Act for constituting a Court of Appeal for this Island.	289.

ANTIGUA.

(L.S.) KER B. HAMILTON.

By His Excellency Ker B. Hamilton, Esquire, Governor and Commander-in-Chief in and over Her Majesty's Islands of Antigua, Montserrat, Barbuda, Saint Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

A PROCLAMATION.

13 & 14 Vict. c. 15.

WHEREAS by an Act passed in the 13th year of the reign of Her present Majesty, entitled "An Act to authorize the Establishment of Courts of Appeal for certain of Her Majesty's West India Colonies," it was amongst other things enacted, that in case it should appear to Her Majesty that by any Act or Acts already passed or thereafter to be passed by the Legislatures of the Colonies of Antigua, St. Christopher, and Dominica, or of the other Colonies comprised in the commission of the Governor of Antigua, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision had been made for the establishment and maintenance of such Court of Appeal as therein-after mentioned, and for defining the jurisdiction of such court in relation to the Colony or Colonies for which such Act or Acts might be passed, it should be lawful for Her Majesty, by any order to be by Her made with the advice of Her Privy Council, to erect and establish for and in relation to the Colony or Colonies for which such Act or Acts might be passed a court of appeal, to consist of such judge or judges and to have such ministerial or other officers thereof as by such Act or Acts might be provided; and such court should hold its sittings in such place or places within the said Colonies or any of them, and at such times, and should have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, and rules, and other determinations of all or any of the courts of such Colony or Colonies as by such Act or Acts might be provided:

Colonial Acts.

And whereas the Legislatures of Antigua, Saint Christopher, and Dominica aforesaid, and also the Legislatures of the Virgin Islands and of Montserrat, have passed respectively Acts making provision for the establishment of such a court of appeal as aforesaid, which Acts of the said Legislatures have been severally confirmed by Her Majesty with the advice of Her Privy Council:

Order in Council
8 June 1854.

And whereas it having appeared to Her Majesty that due provision had been made by the said Acts for the establishment and maintenance of such Court of Appeal as in the said Act of the Imperial Parliament herein-before recited is required, and for defining the jurisdiction of such Court of Appeal, Her Majesty was pleased by an Order in Council made at the Court of Buckingham Palace on the eighth day of June one thousand eight hundred and fifty-four to erect and establish for and in relation to the said Colonies of Antigua, Saint Christopher, Dominica, the Virgin Islands, and Montserrat, a court of appeal which shall be called the Court of Appeal for the Leeward Islands; and by the said Order in Council it was further ordered that the said Court shall consist of and be holden before the following judges, namely, the chief justices for the time being of Antigua, Montserrat, Saint Christopher, Nevis, the Virgin Islands, and Dominica, and that any three of such judges shall constitute a court for the transaction of business, and any one of such judges shall be empowered to adjourn such court from time to time, as in the said Acts of the said Colonies is provided; and it was further ordered that the said court shall have for and in relation to each of the said Colonies such jurisdiction as is provided by the respective Act or Acts herein-before mentioned of the said

Islands; and it was further ordered that the Chief Justice of Antigua for the time being shall be and be styled Chief Justice of the said Court of Appeal, and shall have precedence as such, and that the other judges of the said Court of Appeal shall have precedence according to their respective seniority, following the date of their appointment as such chief justices as aforesaid :

And whereas by the seventh section of the Act passed by the Legislature of *Dominica Act.* *Dominica*, entitled "An Act to enable the Chief Justice of this Island to sit as a Member of the Court of Appeal authorized to be established in the Island of Antigua for the Islands composing the Leeward Island Government, and to give Jurisdiction to such Court over the Judgments, Decrees, and Orders of the Courts of Chancery and Common Pleas and Court Merchant of this Island," it is provided that the Governor-in-Chief or the officer administering the government of Antigua may and he is thereby authorized by his proclamation to appoint and settle the order of the precedence of the justices of the said court as well as the style and title of the said court, and that all proceedings in the said court shall be entitled accordingly :

Now, therefore, in accordance with the herein-before recited Order in Council and in compliance with the seventh section of the said Act passed by the Legislature of *Dominica*, I do hereby order and proclaim that the said court shall have the style and title of "The Court of Appeal for the Leeward Islands," *Style of court.* and that the Chief Justice of Antigua for the time being shall be and be styled Chief Justice of the said Court of Appeal, and shall have precedence as such, *Precedence of judges.* and that the other judges of the said Court of Appeal shall have precedence according to their respective seniority, following the dates of their appointments as such chief justices as aforesaid.

Given under my hand and seal of office at the Government House, Antigua, the first day of December in the year of our Lord one thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

By His Excellency's command,

A. MUSGRAVE, Colonial Secretary.

God save the Queen.

7 & 8 VICTORIA, CAP. 69.

AN ACT for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council," and to extend its Jurisdiction and Powers. [Dated 6th August 1844.]

SECTIONS 11 and 12.

11. And be it enacted, That it shall and may be lawful for the said Judicial Committee to make any general rule or regulation, to be binding upon all courts in the Colonies and other foreign settlements of the Crown, requiring the judges' notes of the evidence taken before such court on any cause appealed, and of the reasons given by the judges of such court, or by any of them, for or against the judgment pronounced by such court; which notes of evidence and reasons shall by such court be transmitted to the Clerk of the Privy Council within one calendar month next after the leave given by such court to prosecute any appeal to Her Majesty in Council; and such Order of the said Committee shall be binding upon all judges of such courts in the Colonies or foreign settlements of the Crown.

Judicial committee may make rules to be binding upon colonial courts requiring judges notes of evidence, &c.

In cases of neglect to comply with Order of Council persons so neglecting may be punished as for contempt.

12. And be it enacted, That in all causes of appeal to Her Majesty in Council from ecclesiastical courts, and from admiralty or vice-admiralty courts, which now are or may hereafter be depending, in which any person duly nominated or cited or requested to comply with any lawful order or decree of Her Majesty in Council, or of the Judicial Committee of the Privy Council or their surrogates, made before or after the passing of this Act, shall neglect or refuse to pay obedience to such lawful order or decree, or shall commit any contempt of the process under the seal of Her Majesty in ecclesiastical and maritime causes, it shall be lawful for the said Judicial Committee or their surrogates to pronounce such person to be contumacious and in contempt, and after he or she shall have been so pronounced contumacious and in contempt to cause process of sequestration to issue under the said seal of Her Majesty against the real and personal estate, goods, chattels, and effects wheresoever lying within the dominions of Her Majesty of the person against or upon whom such order or decree shall have been made, in order to enforce obedience to the same, and payment of the expenses attending such sequestration and all proceedings consequent thereon, and to make such further order in respect of or consequent on such sequestration and in respect to such real and personal estates, goods, chattels, and effects sequestrated thereby as may be necessary, or for payment of monies arising from the same to the person to whom the same may be due, or into the registry of the High Court of Admiralty and Appeals, for the benefit of those who may be ultimately entitled thereto.

At the Council Chamber, Whitehall, the 12th of February 1845.

By the Judicial Committee of the Privy Council.

WHEREAS by an Act passed in the eighth year of Her Majesty's reign, intitled "An Act for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intitled 'An Act for the better Administration of Justice in His Majesty's Privy Council,' and to extend its Jurisdiction and Powers," it was enacted, "that it should be lawful for the Judicial Committee of the Privy Council to make any general rule or regulation to be binding upon all courts in the Colonies and other foreign settlements of the Crown, requiring the judges' notes of the evidence taken before such court on any cause appealed, and of the reasons given by the judges of such court, or by any of them, for or against the judgment pronounced by such court, which notes of evidence and reasons should by such court be transmitted to the clerk of the Privy Council within one calendar month next after the leave given by such court to prosecute any appeal to Her Majesty in Council; and such order of the said Committee should be binding upon all judges of such courts in the Colonies or foreign settlements of the Crown:" Now, therefore, the Lords of the said Judicial Committee of the Privy Council are pleased to order, as it is hereby ordered, that when any appeal shall be prosecuted from any judgment of any court in the Colonies or foreign settlements of the Crown, the reasons given by the judges of such court or by any of such judges, for or against such judgment, shall be by the judge or judges of such court communicated in writing to the registrar of such court or other officer whose duty it is to prepare and certify the transcript record of the proceedings in the cause, and that the same be by him transmitted in original to the Clerk of Her Majesty's Privy Council at the same time when the documents and proceedings proper to be laid before Her Majesty in Council upon the hearing of the appeal are transmitted.

Whereof the judges of all such courts in the Colonies or foreign settlements of the Crown are to take notice, and govern themselves accordingly.

C. GREVILLE.

Reasons of colonial judges to be communicated in writing to registrar of court, and transmitted with record on appeal.

ORDER IN COUNCIL.

At the Court of Buckingham Palace, the 13th of June 1853.

Present :

The Queen's most Excellent Majesty.

His Royal Highness Prince Albert.

Lord President.

Lord Steward.

Duke of Newcastle.

Duke of Wellington.

Lord Chamberlain.

Earl of Aberdeen.

Earl of Clarendon.

Viscount Palmerston.

Mr. Herbert.

Sir James Graham, Bart.

WHEREAS there was this day read at the Board a report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the 30th of May last past, humbly setting forth that the Lords of the Judicial Committee have taken into consideration the practice of the committee, with a view to greater economy, dispatch, and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their lordships have agreed humbly to report to Her Majesty that it is expedient that certain changes should be made in the existing practice in appeals, and recommending that certain rules and regulations therein set forth should henceforth be observed, obeyed, and carried into execution, provided Her Majesty is pleased to approve the same :

Her Majesty having taken the said report into consideration, was pleased by and with the advice of Her Privy Council to approve thereof, and of the rules and regulations set forth therein in the words following, *videlicet* :

1. That any former usage or practice of Her Majesty's Privy Council notwithstanding, an appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from shall be entitled to recover the costs of the appeal from the respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

Appellant when successful may recover costs of appeal.

2. That the Registrar or other proper officer having the custody of records in any court or special jurisdiction from which an appeal is brought to Her Majesty in Council be directed to send by post with all possible despatch one certified copy of the transcript record in such cause to the Registrar of Her Majesty's Privy Council, Whitehall, and all such transcripts be registered in the Privy Council Office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from, and that such transcript be accompanied by a correct and complete index of all the papers, documents, and exhibits in the cause, and that the registrar of the Court appealed from or other proper officer of such court be directed to omit from such transcript all merely formal documents, provided such omission be stated and certified in the said index of papers, and that especial care be taken not to allow any document to be set forth more than once in such transcript, and that no other certified copies of the record be transmitted to agents in England by or on behalf of the parties in the suit, and that the fees and expenses incurred and paid for the preparation of such transcript be stated and certified upon it by the registrar or other officer preparing the same.

Transcripts to be sent to Registrar of Privy Council.

3. That when the record of proceedings or evidence in the cause appealed has been printed or partly printed abroad, the registrar or other proper officer of the court from which the appeal is brought shall be bound to send home the same in a printed form, either wholly or so far as the same may print.

When proceedings appealed from are printed abroad, same to be transmitted in print.

have been printed, and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the court appealed from to these copies with the sanction of the court.

Transcripts may be printed abroad.

And that in all cases in which the parties in appeals shall think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause fifty copies of the same to be printed in folio and transmitted at their expense to the Registrar of the Privy Council, two of which printed copies shall be certified as above by the officers of the court appealed from, and in this case no further expense for copying or printing the record will be incurred or allowed in England.

Written transcripts to be printed by Her Majesty's printer.

4. That on the arrival of a written transcript of appeal at the Privy Council Office, Whitehall, the appellant or the agent of the appellant prosecuting the same shall be at liberty to call on the Registrar of the Privy Council to cause it or such part thereof as may be necessary for the hearing of the case, and likewise all such parts thereof as the respondent or his agents may require, to be printed by Her Majesty's printer, or by any other printer on the same terms, the appellant or his agent engaging to pay the cost of preparing a copy for the printer, at a rate not exceeding one shilling per brief sheet, and likewise the cost of printing such record or appendix, and that one hundred copies of the same be struck off, whereof thirty copies are to be delivered to the agents on each side, and forty kept for the use of the Judicial Committee; and that no other fees for solicitors' copies of the transcript, or for drawing the joint appendix, be henceforth allowed, the solicitors on both sides being allowed to have access to the original papers at the Council Office, and to extract or cause to be extracted and copied such parts thereof as are necessary for the preparation of the petition of appeal, at the stationers' charge, not exceeding one shilling per brief sheet.

Transcripts to be printed within a certain time.

5. That a certain time be fixed within which it shall be the duty of the appellant or his agent to make such application for the printing of the transcript, and that such time be within the space of six calendar months from the arrival of the transcript and the registration thereof, in all matters brought by appeal from Her Majesty's Colonies and plantations east of the Cape of Good Hope, or from the territories of the East India Company, and within the space of three months in all matters brought by appeal from any other part of Her Majesty's dominions abroad; and that in default of the appellant or his agent taking effectual steps for the prosecution of the appeal within such time or times respectively, the appeal shall stand dismissed without further order, and that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council, at their Lordships' next sitting.

Appeals may be heard in the form of a special case.

6. That whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Lords of the Judicial Committee in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same: Provided that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit; and that in order to promote such arrangements and simplifications of the matter in dispute, the Registrar of the Privy Council may call the agents of the parties before him, and having heard them and examined the transcript, may report to the committee as to the nature of the proceedings.

And Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing rules and regulations be punctually observed, obeyed, and carried

nto execution in all appeals or petitions, and complaints in the nature of appeals brought to Her Majesty, or to Her heirs and successors, in Council from Her Majesty's Colonies and plantations abroad, and from the Channel Islands or the Isle of Man, and from the territories of the East India Company, whether the same be from courts of justice or from special jurisdictions, other than appeals from Her Majesty's Courts of Vice-Admiralty, to which the said rules are not to be applied.

Whereof the judges and officers of Her Majesty's courts of justice abroad, and the judges and the officers of the superior courts of the East India Company, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

RULES OF PRACTICE TO BE OBSERVED IN THE COURT OF APPEAL FOR
THE LEEWARD ISLANDS.

- Rule 1st. That the Court of Appeal do open and its proceedings commence at ten o'clock in the forenoon of each day of its sittings. Hour of sitting.
- 2nd. That barristers appearing at the bar and the officers of the court be habited in black; such barristers to wear gowns suited to their rank and degree, and bands. Habit of barristers and officers of court.
- 3rd. That the Secretary and marshal be in attendance on the court on each day of its sitting. Secretary and marshal.
- 4th. That the Secretary do carefully minute, take, keep, and record all the proceedings, papers, and documents had, taken, and filed in the Appeal Court, and when required make, give, and certify copies and transcripts therefrom. Minutes to be kept by Secretary.
- 5th. That the Secretary do pass and issue all writs from and out of the Appeal Court, the same to be tested in the name of the Chief Justice and to be under the seal of the said court; but it shall not be necessary for the Chief Justice to sign any such writ. Writs.
- 6th. That the Secretary do tax all costs, and compute interest, and take accounts as the court may direct, subject to the review of the court on summary application of the party complaining against the same, and in the meantime all proceedings in respect of such costs or matters referred to be suspended. Duties of Secretary.
- 7th. That the marshal do make proclamation and call on parties to appear in court when necessary, and do publish the opening and adjournment of the court and act in execution of its orders and otherwise as its ministerial officer. Duties of marshal.
- 8th. That in the absence of all legislative enactment to the contrary persons qualified as herein-after mentioned shall be permitted to practise and have exclusive audience in the Appeal Court as counsel thereof; that is to say, any person admitted as a barrister or advocate in any of the superior courts of record of the United Kingdom, the counsel engaged in the court below in the cause in which the appeal is prosecuted, or in case of his or their death or absence, or other disability, then any barrister admitted and practising in the court below whence such appeal is prosecuted. Audience of barristers.
- 9th. That the matters before the court be called on for hearing in the order in which they shall be set down to be heard with the Secretary. Order of hearing.
- 10th. That every cause, motion, matter, or thing to be made, heard, or argued in the Court of Appeal shall be set down to be heard with the Secretary of the said court at least twenty clear days previously to the moving or hearing thereof, and that in the computation of such twenty days the day of setting down and the day of hearing shall be excluded. Setting down cause for hearing.

Rescinded by Rule 1
of 17 June 1861.

11th. That at the least twenty-eight clear days, to be computed exclusively as aforesaid, previously to the hearing of any cause, motion, matter, or thing in the Court of Appeal, the party applying to the court shall forward to each of the judges thereof, by some means of conveyance accredited by the Government, a paper book containing a true and correct copy in manuscript or print of all evidence, proceedings, judgments, decrees, and orders had and made in the matter so far as the same have relation to the cause, motion, matter, or thing to be heard or moved, to which shall be annexed a copy of all and every or any judgments or charges given by the judge or judges who had sat and adjudged on or touching the matter to be heard in the appeal court, so far as the same have or hath any relation thereto; such copies to be certified by the presiding judge of the court whence the appeal is prosecuted. And the party forwarding such paper books shall prepay the postage thereof; and that in the computation of such twenty-eight days as aforesaid the same shall begin to run and be computed exclusively as aforesaid from the day by due authority appointed for the departure of the conveyance by which such paper books or book may be forwarded as aforesaid.

Notice of hearing.

12th. That at the least twenty clear days' notice, to be computed exclusively as aforesaid, shall be given to the opposite side of the hearing of every matter to be moved or heard in the Appeal Court.

Hearing.

13th. That not more than two counsel shall be heard on the opening of any matter, nor more than two counsel in answer; and that one counsel shall be heard in reply. But if it shall so happen that any witness or witnesses is or are examined *vivâ voce* in court, then one counsel may on behalf of the party calling such witness or witnesses be heard after the evidence is closed to sum up and speak thereto. That no new matter shall be introduced in reply, but counsel in reply may be permitted to refer the court to any law authority not before quoted, shortly stating the point to which such new authority may be considered applicable without any argument thereon.

14th. That counsel be confined in their argument to the matter before the court, from which they be not allowed to digress.

Non-appearance of
promoter.

15th. That in case any party shall fail to appear in court at the time when his cause or motion or other matter by him promoted shall stand and be called on for hearing, the same shall be struck off the paper with the costs, and shall not be set down to be heard or heard again until such costs be paid.

Non-attendance of
respondent.

16th. That if the party to answer shall fail to attend on the day for hearing of any cause, motion, matter, or thing, and due proof be made that the party moving therein hath taken all necessary steps for bringing on the same, the court will, unless it shall see fit to postpone or adjourn the same, proceed to hear the matter *ex parte*, and make such order, sentence, or decree therein as on examination of the premises may seem meet.

Rescinded by Rule 1
of 17 June 1861.

17th. That in all cases where a party shall lie by and not prosecute his appeal for a period of twelve months, to be computed exclusively as aforesaid, after notice of his intention to appeal being given, he shall be deemed and taken to have abandoned his appeal; this rule, nevertheless, not to be considered as having any retrospective effect as regards any appeal now pending.

When judgment ap-
pealed from shall
remain in force.

18th. That in all cases where the judgment, order, or decree appealed from shall stay, reverse, set aside, or annul any process, writ, or execution, or the levy, arrest, or other proceeding thereunder, the judgment, order, or decree appealed from shall remain in full force and effect until such appeal shall be disposed of: Provided always, that the judge or court from whose judgment, order, or decree any such appeal shall or may be interposed, may, in the discretion of such judge or court, impose such terms or call for such security as may

be deemed necessary for securing to the party issuing such process, writ, or execution, or making, causing, or taking the levy, arrest, or other proceedings thereunder, the full benefit and advantage thereof, in case the judgment, order, or decree appealed from be set aside or reversed.

That these rules and regulations shall be deemed of force and take effect from the date thereof.

Dated at Antigua the third day of December one thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

(Signed) ROBERT HORSFORD,
Chief Justice of the Court of Appeal.

Confirmed,
(Signed) K. B. HAMILTON.

SCHEDULE OF FEES.

Counsel's Fees.

	£	s.	d.
For each notice - - - - -	-	0	16 0
For every attendance that a clerk may give - - -	-	0	6 8
For do. do. of counsel - - - - -	-	0	15 0
For each and every draft per folio of 90 words - -	-	0	1 6
For engrossing same - - - - -	-	0	0 9
For counsel settling and signing when necessary - -	-	5	5 0
Counsel's fee attending in Antigua from any other Island -	-	20	0 0
Passage money <i>bonâ fide</i> paid and expenses at Antigua per diem -	-	0	16 0
Counsel's fee, if resident in Antigua, on argument - -	-	5	5 0

All postage to be paid and allowed on taxation.

Secretary's Fees.

For recording all proceedings in a cause, per folio - -	-	0	1 8
For every copy or manuscript, per folio - - - -	-	0	1 8
For certificate - - - - -	-	0	8 0
For every writ - - - - -	-	0	4 0
For each oath administered - - - - -	-	0	3 0
For every order, judgment, or decree - - - - -	-	1	1 0
For taxing costs - - - - -	-	0	16 0
For each reference and report thereon - - - - -	-	1	18 0

Marshal's Fees.

For each writ or order executed by him - - - -	-	0	16 0
For each oath in court - - - - -	-	0	1 6
For every order, judgment, or decree - - - - -	-	1	1 0

ADJOURNED MEETING OF THE COURT OF APPEAL FOR THE LEEWARD ISLANDS.

(L.S.)

Monday, June 17th 1861.

Approved and confirmed.

KER B. HAMILTON, 13th July 1861.

Present :

His Honor Sir William Snagg, Knight, Chief Justice.

His Honor Henry James Ross, Chief Justice of Saint Kitts and Nevis.

His Honor Sholto Thomas Pemberton, Chief Justice of Dominica.

The Court was pleased to make the following rules to be observed in the Court of Appeal for the Leeward Islands :—

Rules 11 and 17 of
3rd December 1855
rescinded.

1. Rules 11 and 17th, dated at Antigua the 3rd day of December 1855, are hereby rescinded, except so far as the last-mentioned rules may apply to any appeal now pending.

Transmission of
transcript.

2. The appellant shall cause to be delivered or sent to the Secretary of the Court of Appeal with all possible dispatch a transcript of the record in the cause or suit in the court or jurisdiction from which an appeal is brought certified by the registrar or other proper officer having the custody of such record, and such transcript shall be accompanied by a correct and complete index of all the papers, documents, and exhibits in the cause, but all merely formal documents shall be omitted from such transcript, the omission to be certified in such index, and no document shall be set forth more than once in such transcript, and the Secretary of the Court of Appeal shall on receipt of such transcript mark thereon the day of its receipt by him.

Reasons of judges.

3. The reasons given by the judges or any judge for or against any judgment or decision appealed from shall be by them or him communicated in writing to the registrar or other officer whose duty it is to prepare and certify the transcript record of the proceedings in the cause and a duplicate or certified copy thereof shall be transmitted to the secretary of the Court of Appeal with such transcript.

Selection from trans-
cript.

4. A selection from such transcript of documents necessary to the understanding of the appeal, or so much of the pleadings, evidence, judgment, decree, order, rule, or other determination objected to, as may be necessary to raise the question intended for the determination of the Court of Appeal, to be agreed upon by the parties or their agents in the court or jurisdiction from which the appeal is brought, and to be settled by such court or the chief or senior judge thereof in case the parties differ about the same, together with a copy of the judgment or charge and reasons of the court or judge whose judgment or decision is appealed from shall be delivered or sent by the appellant to each of the judges of the Court of Appeal at least 28 clear days before the appointed day of hearing.

When either party
is dissatisfied with
selection.

5. If either party shall be dissatisfied with the decision of the court or judge in regard to the selection of such documents as aforesaid, such party shall be at liberty to insist on the delivery or transmission at his own cost in the first instance of copies of any other documents from such transcript, and such additional cost shall be in the discretion of the Court of Appeal.

Special case.

6. The parties concerned in any appeal or their agents may by consent submit any matter of law to the Court of Appeal in the form of a special case to be approved by the court or judge whose sentence is appealed from, and a copy of such case shall then in lieu of any other papers be transmitted to each of the

judges of the Court of Appeal in manner aforesaid, but this shall not bar or prevent the Court of Appeal from ordering a full discussion of the whole case if such court shall so think fit.

7. The selection of documents or special case aforesaid shall be signed by the parties, their counsel, or attorneys.

Selection or special case to be signed.

8. The fees and expenses incurred and to be paid for the preparation of the transcript required to be delivered or sent to the Court of Appeal shall be certified to the Court of Appeal by the registrar or proper officer of the court of or jurisdiction from which the appeal is brought, and shall in the first instance be paid by the appellant, and such transcript and documents shall be delivered or sent by some safe hand, or some means accredited by Government, or other safe conveyance, and the expense of sending or delivering the same shall be prepaid by the appellant or party sending or delivering the same.

Cost of transcript.

9. In all cases where a party shall lie by and not prosecute his appeal so as to bring the same to a hearing at the second court day next after the judgment intended to be appealed from, he shall be deemed to have abandoned his appeal, but this rule shall not have a retrospective effect.

Non-prosecution of appeal.

By the Court,
(Signed) A. ADLAM, Secretary.

ADJOURNED MEETING OF THE COURT OF APPEAL FOR THE LEEWARD ISLANDS.

Tuesday, 31st December 1861.

Approved and confirmed.

KER B. HAMILTON, 31st December 1861.

Present :

His Honor Sir William Snagg, Knight, Chief Justice.

His Honor James Ross, Chief Justice of St. Kitts and Nevis.

His Honor Sholto Thomas Pemberton, Chief Justice of Dominica.

WHEREAS it is necessary to prevent appeals being made for the purpose of delay, it is therefore hereby ordered as follows :

1. The appellant shall bring his appeal to a hearing at the first Court of Appeal next after the judgment, decree, or order appealed from shall have been pronounced, whenever such judgment, decree, or order shall have been pronounced four calendar months or more next before the day appointed by law for the sitting of such Court of Appeal, unless the court or judge whose judgment is appealed from shall under special circumstances otherwise order, and in default thereof the appellant shall be deemed to have abandoned his appeal.

Appeal when to be brought to hearing.

2. The filing in the Secretary's office of the notice of any appeal shall be deemed a request by the appellant to the Secretary to prepare the transcript, which shall be forthwith prepared by him, and either party, his counsel, attorney, or solicitor, may obtain from the Secretary and serve on the opposite party, his counsel, attorney, or solicitor, a certificate signed by the Secretary of such transcript being ready, and either party may thereupon take steps for settling the selection of documents required to be transmitted to the judges, and the respondent with leave of the court or judge whose judgment, decree, or order is appealed from may forward such selection to the judges and set down such appeal for hearing at the next Court of Appeal, notwithstanding such court shall be held within four calendar months after pronouncing the decree, judgment, or order appealed from, and such appeal having been duly set down for hearing shall be heard at such next court unless the Court of Appeal shall otherwise order.

Preparation of transcript and selection of documents.

When respondent may forward selection.

3. The court or judge whose judgment, decree, or order is appealed from may give to the respondent leave to forward such selection to the judges and set down the appeal for hearing at such next court in any case where the appellant shall not, on being required by such court or judge, on the application of the respondent, undertake so to do, and when such undertaking shall be given and shall not be performed, the appeal may be dismissed at such next court on motion *ex parte* without notice.

Forwarding selection.

4. Such selection shall in every case be sent or delivered to the judges 28 clear days before the appointed day of hearing, and the party bringing the matter to a hearing must give at least 20 clear days' notice to the opposite party.

Notice of hearing.

5. These rules shall not apply to any appeal now pending.

By the Court,

A. ADLAM, Secretary.

No. 114.

Vide Acts Nos. 86,
100, 111, 116, 211.

AN ACT to facilitate the Sale of certain Properties levied upon under Warrant from the Commissioners of the Loan from Her Majesty's Government commonly called the Earthquake Loan.

[Dated and published 14th December 1853; Left to its operation by Order in Council dated 15th April 1854.]

No. 86.

WHEREAS three certain sugar plantations or estates in this Island called "Mannings," "Lower Walronds," and "Williams' Farm," and herein-after more particularly described, are charged and chargeable under the provisions of an Act of this Island, intituled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, and to authorize the Appropriation of the same in manner therein mentioned," with certain principal sums of money lent and advanced by the aforesaid commissioners to the respective owners thereof, together with interest thereon at the rate of five *per centum per annum*, to be computed from the first day of May one thousand eight hundred and fifty-two: And whereas an instalment of the said principal monies and interest thereon became due and payable on the first day of May last past by the respective owners of the said respective sugar plantations or estates to the said commissioners, and the said respective owners of the said respective sugar plantations or estates failed to pay the said instalment of principal money with interest thereon up to the said first day of May last past: And whereas under and by virtue of the provisions of the eleventh clause of the aforesaid Act the said commissioners issued their warrant to the provost marshal on the seventeenth day of the said month of May authorizing and commanding the said provost marshal to levy upon the goods and chattels of the persons whose names were set forth in the said warrant for the several sums set opposite to their names respectively, and for want of such goods and chattels to levy upon the lands and tenements of the said persons respectively charged with the said several sums and therein-after set forth and described, and to sell the same in manner and form directed by the said herein-before mentioned Act: And whereas in pursuance of such warrant and of the powers and authorities in the said Act

contained the said provost marshal for want of goods and chattels of the said parties respectively proceeded to levy upon the said plantations or estates, *viz.*, that sugar plantation called "Manning's" containing two hundred and one acres of land, situate in the division of Nonsuch and parish of Saint Philip, the property of William Eales Ledcatt, charged with the sum of two hundred and thirty-six pounds and five shillings, amount of instalment and interest up to the first day of May last past, and with the remaining principal sum of nine hundred and eighty-eight pounds and fifteen shillings, payable as in the said herein-before mentioned Act is set forth, also that other sugar plantation called "Lower Walrond's" containing one hundred and fifty-four acres of land, situate in the division of Nonsuch and parish of Saint Philip, the property of Bethel Walrond, charged with the sum of three hundred and thirty-seven pounds and ten shillings, amount of instalment and interest up to the said first day of May last past, and with the remaining principal sum of fourteen hundred and twelve pounds and ten shillings, payable as in the said herein-before mentioned Act is set forth, and that other sugar plantation called "Williams' Farm" containing forty-one acres of land, situate in division and parish of Saint John, the property of William Williams, charged with the sum of ninety-four pounds and ten shillings, amount of instalment and interest up to the first day of May last past, and with the remaining principal sum of three hundred and ninety-five pounds and ten shillings, payable as in the said herein-before mentioned Act is set forth, and the said respective plantations or estates were duly advertised to be sold in accordance with the provisions of the said herein-before mentioned Act: And whereas the said respective plantations or estates have been twice put up to auction by the provost marshal, but no bid or offer for either of them was tendered, the said estates being considered to be very far below the value of the monies charged upon them respectively and for which alone under the provisions of the said Act the marshal was authorized to dispose of them: And whereas the said estates are now still remaining under levy and in the possession of the provost marshal, and for want of proper cultivation are likely to become still more deteriorated in value, and as the revenues of this Island are made liable under the provisions of the said herein-before mentioned Act for all sums of money borrowed from Her Majesty's Government and lent out to individuals, and as the several owners of the said several estates herein-before mentioned are unable or unwilling to pay up the amount of instalment and interest now due and owing thereon respectively, or to redeem their said several properties; it is therefore absolutely necessary that some enactment should pass for facilitating the sale of said estates, so as to secure the public of this Island from the loss which must ensue if the said estates are permitted to remain longer out of cultivation and in their present unsafe and insecure condition: Be it therefore enacted and ordained by Your Majesty's Governor and Commander-in-Chief of this Your Majesty's Island of Antigua, and the Council and Assembly of the same, That from and after the passing of this Act the said several herein-before mentioned plantations or estates, with all and singular the lands, messuages, buildings, hereditaments, and appurtenances thereto respectively belonging or appertaining, shall be taken and considered to be the sole and absolute property of the public of this Island, and that all persons whomsoever heretofore or hereafter having or claiming any right, title, or interest whatsoever therein or thereto respectively, or to any part or parcel thereof respectively, shall from henceforth be for ever hereby barred and excluded, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Plantations "Manning's," "Lower Walrond," and "Williams' Farm," levied upon under Act No. 86,

declared public property.

2. Immediately after the publication of this Act the provost marshal shall and he is hereby authorized and required to issue an advertisement in the con-

The said plantations to be sold, and purchase money, payable by instalments, to remain charged thereon.

tract newspaper of this Island offering the said several herein-before mentioned plantations or estates for sale in ten days from and after the date of such advertisement, upon the following terms and conditions; that is to say, one fourth part of the purchase money to be paid down immediately at the close of the biddings and the remainder in twelve equal annual instalments, commencing on the first day of May one thousand eight hundred and fifty-four and ending on the first day of May one thousand eight hundred and sixty-six, with the right nevertheless to the said parties to make payment in less time, with interest on the principal and the said several instalments at and after the rate of five *per cent. per annum*; and the respective purchasers shall be required before possession of such said several estates shall be given to them to enter into good and sufficient security to be approved of by the provost marshal for the due payment of the said instalments and interest, and the said several plantations or estates shall and are hereby declared to be and remain charged and chargeable with the payment of such instalments and interest due thereupon respectively until the whole amount thereof is fully paid and satisfied.

Mode of sale.

3. The said several plantations or estates shall be sold in the same manner and form as real estate in this Island is disposed of by the marshal by virtue of executions in his office.

Disposition of proceeds.

4. All monies realized from the sale of the said respective plantations or estates shall be paid over by the provost marshal into the treasury of this Island for the use of the public.

Conveyance.

5. On payment by the respective purchasers of the said respective plantations or estates, of the full amount of purchase money thereof, it shall be lawful for the said provost marshal to convey the said several plantations or estates to the purchasers thereof in fee simple.

Discharge to present owners.

6. The present several and respective owners of the said several plantations or estates, the subject of this enactment, shall be and are hereby discharged from all further liability or claim by or on the part of the said Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, for or on account of the sums of money so borrowed by them respectively and charged upon their aforesaid several plantations or estates.

No. 115.

AN ACT to establish a Public Library.

[*Dated 9th March; Left to its operation by Order in Council dated 8th June 1854.*]

Recites Act of 5th July 1839.

WHEREAS by an Act dated the fifth day of July one thousand eight hundred and thirty-nine, entitled "An Act for incorporating a Society formed in this Island, and now subsisting under the Name of the Antigua Library Society," the then members and all future members of the said society were constituted and declared to be one body corporate and politic in name and in fact by the name of the committee and members of the Antigua Library Society, with power to take, have, and hold for the benefit of the said society all such estate real and personal as they then possessed or might thereafter acquire by purchase, gift, or otherwise: And whereas the said society is seised or possessed in fee simple of certain lands, buildings, and premises in the city of Saint John subject to the payment of the sum of one hundred and eighty pounds, with interest charged thereon, and payable to the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, and is possessed of a large and valuable

collection of books, maps, instruments, and other personalty : And whereas the said society is indebted to sundry persons in the aggregate sum of two hundred and sixty pounds : And whereas the said society hath by petition to the Council and Assembly of this Island signified its desire in consideration of the payment of the sum of two hundred and sixty pounds to transfer all and singular the real and personal property of the said society to the public of this Island : And whereas it is expedient that the said proposition of the said society be accepted, and that the lands, buildings, and premises, together with all and singular the books, maps, pamphlets, instruments, and all other the property of the said society be purchased, and that the same be vested in Her Majesty, Her heirs and successors, to and for the use and benefit of the public of this Island, and that a public library, with all just facility of access, and conducted upon liberal principles, be established :

Be it therefore enacted by the Governor, the Council, and the Assembly as follows :

1. That it shall be lawful for the Governor to issue his warrant to the Treasurer authorizing him to pay to the committee and members of the Antigua Library Society the sum of two hundred and sixty pounds, which said sum shall be deemed and taken to be in full for the absolute purchase of the said lands, buildings, and premises, subject nevertheless to the payment of the said sum of one hundred and eighty pounds so due and owing as aforesaid to the Commissioners of the Loan from Her Majesty's Government, and of all and singular the books, maps, pamphlets, instruments, and all other the property whatsoever of the said society.

Purchase money of land and premises of Antigua Library Society.

2. That the said lands, buildings, and premises, subject nevertheless as aforesaid, together with the said books, maps, pamphlets, instruments, and all other the property of the said society, shall upon the completion of the said purchase, together with all property which shall or may be hereafter purchased for or otherwise attached to the public library herein-after mentioned, vest and be vested in Her Majesty, Her heirs and successors, to and for the use and benefit of the public of this Island.

Lands and premises vested in Her Majesty.

3. That the books, maps, and pamphlets so purchased shall constitute a Public Library. library to be called the Public Library.

4. That it shall be lawful for the Governor from time to time by warrant under his hand to appoint two members of Her Majesty's Council and five members of the House of Assembly, together with six other persons, who shall act under the title of Trustees of the Public Library as trustees of the said real and personal property, and any five of the said trustees shall be and form a quorum for the purposes of this Act.

Appointment of trustees.

5. That the said trustees, members of the House of Assembly, shall continue in the execution of the duties of their office notwithstanding any dissolution of the House of Assembly, and the Governor may from time to time remove all or any of the said trustees so appointed by him and appoint others in their stead.

Duration of office.

6. That the said trustees shall frame rules and regulations for the preservation in good order and repair of the said buildings and premises, and for the maintenance and management of the said library, for the nomination, election, and admission, and for the suspension and expulsion of members, for the collection, disposal, and expenditure of subscriptions, grants, and donations to the said library, and generally for conducting the affairs of the said library and establishing fines, penalties, and forfeitures for the breach, nonperformance, and non-observance of the said rules and regulations, with power from time to time to repeal, alter, and amend all or any of such rules and regulations and to sub-

Byelaws.

- stitute others in their stead, which said rules and regulations shall from time to time be submitted to the Council and Assembly for their approbation, and upon being confirmed by the Governor shall be deemed and taken to be the byelaws of the said library and be obligatory upon the members thereof: Provided always, that all members of the existing society enjoying by the rules of the said society the privileges of free members shall be gratuitously entitled to all the rights and privileges of members of the Public Library; and all other members who by the payment of a certain annual subscription for a period of ten years would have been entitled to the privileges of free members of the said society, shall on payment of their said annual subscription to the trustees of the Public Library for the number of years required to complete the said term of ten years be gratuitously entitled to the rights and privileges of members of the Public Library.
- Free members.** 7. That it shall be lawful for the Governor upon the recommendation of the said trustees from time to time to appoint one or two proper person or persons who shall act the one as clerk and the other as junior clerk of the said library, and shall hold his or their office or offices during the pleasure of the Governor.
- Clerks.** 8. That the clerk shall receive a salary of eighty pounds *per annum* and the junior clerk a salary of forty pounds *per annum*, and it shall be lawful for the Governor upon the requisition of the trustees to issue his warrant upon the Treasurer for the quarterly payment of the same.
- Salaries.** 9. That upon the completion of the said purchase the Act, entitled "An Act for incorporating a Society formed in this Island, and now subsisting under the Name of the Antigua Library Society," shall be and the same is hereby declared to be repealed.
- Recited Act repealed.** 10. That the word governor shall apply to the person for the time being in the actual administration of the government of this Island.
- Term "Governor."**

BYELAWS OF THE ANTIGUA PUBLIC LIBRARY.

- Subscription.** 1. To provide for the purchase of books, periodicals, and newspapers, the annual subscription of first-class members shall be twenty shillings, and the annual subscription of second-class members shall be ten shillings.
- Time of payment.** 2. The subscriptions shall be payable half-yearly in advance, *viz.*, on the first day of July and January in each year, and persons desirous of becoming subscribers between those periods shall be allowed to pay for any broken period of time.
- Nonpayment.** 3. Members who have not paid their subscription at the expiration of fourteen days from the day upon which it is due shall be deprived of the use of the library, and if not paid within thirty days shall cease to be members.
- Absent member.** 4. No subscriber being absent from the Island shall be called upon for any subscription during his absence, unless he intimate his wish to continue his subscription for the benefit of the members of his family residing in his house.
- Secretary and treasurer.** 5. The trustees shall appoint at their first meeting in April of each year one of their number to act as secretary and treasurer for the ensuing year.
- Meetings of trustees.** 6. The trustees shall meet at least once in each month, *viz.*, on the first Friday at three o'clock in the afternoon, except when any of the courts of the Legislature meet on that day, in which case the trustees shall assemble the day following for the transaction of business, when one of their number shall be appointed a librarian for that month, to attend more particularly to the oversight of the establishment.
- Librarian.**

7. If at any meeting there should not be a sufficient number of trustees present to form a quorum, all absentees shall be subject to a fine of two shillings and sixpence. Non-attendance of trustees.

8. The trustees shall enforce the payment of fines and penalties and the observance generally of the rules; and all questions affecting the regularity and order of the establishment shall be referred in the first instance to the librarian for the month, who shall submit them to the decision of the monthly meeting of the trustees, if required by any complaining party. Fines. Duty of librarian.

9. A book shall be kept at the library called the book of recommendation, wherein any subscriber may enter, with his name annexed, the title of such work or works as he would recommend to the consideration of the trustees for the use of the library. Recommendation book.

10. The trustees shall make an annual report of the state of the library during the year to the two Houses of Legislature. Annual report.

11. Subscribers of the first class shall be permitted to introduce as visitors the officers of the army and navy and other gentlemen not permanently resident in the Colony. Visitors.

12. Whenever a visitor is brought to the library his name, with that of the subscriber introducing him, shall be inserted in a book to be kept for that purpose, with the date of his introduction, and in the case of civilians this privilege shall not exceed thirty days. Visitors book.

13. A book shall be kept at the library called the book of application, in which any subscriber on finding that the book he requires is already in circulation shall insert opposite to his own name the book in request, with the date of his application for it, and in the event of the book being returned to the library previous to the expiration of the period allowed for its perusal, the clerk of the library shall give notice to the person taking the same (not being the first recorded applicant) that he is only entitled to keep it for the unexpired term of the last reader; but every applicant shall forfeit his claim if the book is not sent for within twenty-four hours after the day on which it is returnable. Any subscriber acting contrary to this rule shall incur a fine of four shillings, it being understood that no subscriber can apply for more than one work at a time. Application book.

14. No subscriber shall be permitted himself to take any book or other publication from the library under a penalty of four shillings, but the clerk of the library alone shall deliver the book on application, either personally or by note, and on delivery thereof he shall enter in a book (provided for that purpose) the name of the subscriber, the title of the book, the day when issued, and afterwards the day of its return. Delivery of books.

15. First-class subscribers shall be entitled to all the newspapers, periodicals, and other new books. First-class subscribers.

16. Second-class subscribers shall be entitled to the same privileges as the first class, with the exception of the use of the reading room. Second-class subscribers.

17. No subscriber shall be allowed to have from the library more than three volumes at one time, except in the case of novels and romances, of which all the volumes must be taken out at the same time, and reckoned as one volume in the other departments of literature. Volumes allowed.

18. No book shall be kept more than fourteen days, and a fine of sixpence per day shall be paid for the detention of each volume beyond the prescribed time. Time of detention.

19. No subscriber shall lend a book belonging to the library out of his own house, under a penalty of ten shillings for each volume. Penalty for lending.

20. Any subscriber losing or injuring a book shall either pay to the trustees the full cost thereof, or of the whole set if it belongs to a set, or he shall pay a Loss or injury of book.

- fine to the trustees at the discretion of the Board not exceeding three times the value of the book.
- Newspapers. 21. The newspapers shall remain on the table of the reading room until the arrival of the next mail, and then be filed and circulated as other books.
- Periodicals. 22. The periodicals shall remain fourteen days on the table, and then circulate as other books, subject to rule 17.
- Reading room. 23. The reading room shall be open every day from 7 o'clock a.m. to 6 o'clock p.m.
24. No newspaper, periodicals, or other books shall be taken out of the reading room of the library before the period allowed for their circulation, under a penalty of twenty shillings.
- Circulation or retention of books. 25. The trustees shall have power from time to time to determine what books shall not be allowed to circulate, but to be retained in the library, where they may be referred to by both classes of subscribers.
- Fines. 26. Every subscriber having incurred a fine or penalty under the rules of the institution shall be deprived of its privileges until such fine or penalty be paid.
- Expulsion. 27. Any member or visitor acting contrary to any of the rules of the institution or who shall be guilty of rude or ungentlemanly conduct shall be liable to expulsion.
- Payment of fines. 28. All fines incurred shall be paid to the treasurer for the benefit of the institution.
- Clerk. 29. The clerk shall be liable for the loss or injury of any books which he cannot fix on any member or other person.
30. That the clerk shall report to the librarian for the month all fines incurred by subscribers, and in the event of default herein shall be liable to pay such fines.
- Widows of free members. 31. Widows of free members during their widowhood shall be entitled to the same privileges that free members now enjoy.

No. 116.

Vide Act No. 211. AN ACT to make certain Provisions in relation to the Payment of the Balance of the Principal Monies and the Interest thereon borrowed from the Commissioners of the Loan from Her Majesty's Government to this Island, and also to the Payment of the Balance of the Principal Monies and the Interest thereon due by the said Commissioners to the Lords Commissioners of Her Majesty's Treasury. [Dated 10th March 1854.]

No. 86. WHEREAS by an Act of this Island bearing date the first day of July one thousand eight hundred and forty-four, entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling; to provide for the Repayment of the same Sum, with Interest; and to authorize the Appropriation of the same in manner therein mentioned," it was enacted, that it should be lawful for the Governor to issue his commission to one member of Her Majesty's Council and three members of the House of Assembly constituting them Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, that it should be lawful for the said commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer bills for a sum not exceeding one hundred thousand pounds

sterling, at the rate of four pounds *per centum per annum* interest to be repaid by ten equal annual instalments, the first of such instalments to be paid with the interest which should then have accrued due on or before the first day of August one thousand eight hundred and forty-six, and the remaining instalments with interest as aforesaid on the first day of August in each succeeding year; that the said commissioners, reserving the sum of twenty thousand pounds to be held at the disposition of the Legislature for the restoration of the public buildings of the Colony, should lend the balance of the said sum of one hundred thousand pounds to owners of and persons interested in landed property, which sustained injury by the calamitous earthquake of the eighth of February one thousand eight hundred and forty-three, and that the sums so lent by the said commissioners should bear an interest of five pounds *per centum per annum*, and should be payable by the parties obtaining the same by ten equal annual instalments, the first of such instalments with the interest which should then have accrued due to be paid on the first day of May one thousand eight hundred and forty-five, and the remaining instalments with interest as aforesaid on the first day of May in each succeeding year; that the said commissioners should each receive the salary therein mentioned for the first and second year, and for every succeeding year until the loan account should be closed the salary of one hundred pounds sterling, and that one-fifth part of the interest payable by the parties to whom advances should be made should constitute the fund upon which the said salaries should be chargeable:

And whereas by an Act bearing date the twenty-ninth day of April one thousand eight hundred and forty-eight, entitled "An Act to alter an Act, No. 100, entitled 'An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua; to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling; to provide for the Repayment of the same Sum, with Interest; and to authorize the Appropriation of the same in manner therein mentioned,'" reciting that Her most Gracious Majesty had signified through Her Majesty's Secretary of State for the Colonies Her Royal disposition to assent to a modification of the existing terms of payment of the sums borrowed, so much of the herein-before in part recited Act, entitled "An Act to authorize the Appointment of certain Commissioners to be called the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua; to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling; to provide for the Repayment of the same Sum, with Interest; and to authorize the Appropriation of the same in manner therein mentioned," as relates to the period of the payment of the remaining instalments of the principal monies and interest due and owing by borrowers to the commissioners, and interest thereon, was repealed; and it was enacted that the first of the said remaining instalments of the principal monies borrowed should be payable on the first day of May one thousand eight hundred and fifty-three, and the remaining instalments on the first day of May in each succeeding year, and that the interest on the said principal monies should be payable on the first day of May one thousand eight hundred and forty-eight and on the first day of May in each succeeding year until the said principal monies should be fully paid and satisfied:

And whereas by an Act dated the third day of April one thousand eight hundred and fifty-one, entitled "An Act to alter an Act, entitled 'An Act to authorize the Appointment of certain Commissioners to be called the Commis-

“ ‘ sioners of the Loan from Her Majesty’s Government to the Island of Antigua ;
 “ ‘ to empower the said Commissioners to borrow from the Commissioners of Her
 “ ‘ Majesty’s Treasury Exchequer Bills for a Sum not exceeding One hundred
 “ ‘ thousand Pounds Sterling ; to provide for the Repayment of the same Sum,
 “ ‘ with Interest ; and to authorize the Appropriation of the same in manner therein
 “ ‘ mentioned,’ ” reciting the death of one of the said commissioners, it was enacted
 that the said commissioners should from and after the passing and publication of
 the said Act consist of one member of Council and two members only of the
 Assembly :

And whereas there is due and owing to the Lords Commissioners of Her
 Majesty’s Treasury by the commissioners of the loan seven instalments of the
 principal of the said loan, and to the said commissioners of the loan six instal-
 ments of the aggregate principal sum lent by the said commissioners to the
 borrowers thereof :

And whereas Her most Gracious Majesty hath through the Lords Commis-
 sioners of Her Majesty’s Treasury signified Her Royal disposition to assent to a
 further modification of the existing terms of repayment of the principal monies
 due by the said commissioners of the loan, and to grant a reduction of the
 interest payable thereon from four pounds *per centum per annum* to three pounds
 five shillings *per centum per annum* :

And whereas it is expedient that the relief so to be granted by Her most
 Gracious Majesty to the commissioners of the loan on behalf of the Colony should
 be extended to the borrowers from the said commissioners, and that the rate of
 interest payable by the said borrowers should be reduced from five *per centum*
per annum to three pounds five shillings *per centum per annum* ; and with the
 view to such reduction and relief that the future collection and receipt of the
 principal monies and interest so due to the commissioners of the loan, and the
 general duties of the said commissioners of the loan incidental thereto, or con-
 nected therewith, should be transferred from the said commissioners of the loan
 to the Treasurer and accountant of the Island for the time being :

Be it therefore enacted by the Governor and the Council and Assembly as
 follows :

So much of recited
 Acts as relates to con-
 stitution of commis-
 sioners repealed.

1. From and after the passing of this Act, so much of the herein-before in
 part recited Acts as relates to the constitution of the commissioners of the loan
 from Her Majesty’s Government to the Island of Antigua shall be and the same
 is hereby declared to be repealed.

So much of recited
 Acts as relates to
 periods of repayment
 and interest repealed.

2. So much of the herein-before in part recited Acts as relates to the periods
 of repayment of the principal monies and the interest thereon, and the rate of
 such interest, due by the commissioners of the loan to the Lords Commissioners
 of Her Majesty’s Treasury, and so much also of the said herein-before in part
 recited Acts as relates to the periods of repayment of the principal monies and
 the interest thereon, and the rate of such interest, due to the commissioners of
 the loan, shall be and the same is hereby declared to be repealed.

Moneys borrowed and
 interest to be paid to
 Treasurer and ac-
 countant.

3. All and every the sum and sums of money borrowed from the commis-
 sioners of the loan and now payable to them shall be payable with interest by
 the parties liable to pay the same by the instalments and at the days and times
 herein-after mentioned to the Treasurer and accountant for the time being of
 the Island, who are hereby authorized and required to receive and give joint
 discharges for the same.

Balance of principal
 monies with interest at
 3*l*. 5*s*. per cent. per
 annum, to be paid by
 instalments.

4. The balance of the principal monies due and owing by the commissioners
 of the loan to the Lords Commissioners of Her Majesty’s Treasury, with interest
 thereon at the rate of three pounds five shillings *per centum per annum*, to be
 computed from the first day of August one thousand eight hundred and fifty-

three, shall be payable in manner herein-after mentioned by equal annual instalments of five pounds *per centum* on one hundred thousand pounds, the principal sum originally borrowed, the first of such instalments to be paid with interest on the principal sum due, at the rate aforesaid, on or before the first day of August one thousand eight hundred and fifty-four, and the remaining instalments, with interest as aforesaid, on or before the first day of August in each succeeding year, until the whole of such principal monies and interest shall be fully paid and satisfied.

5. The balance of the principal monies due and owing to the commissioners of the loan, with interest thereon at the rate of three pounds five shillings *per centum per annum*, to be computed from the first day of May one thousand eight hundred and fifty-three, shall be payable by the parties liable to pay the same by equal annual instalments of five pounds *per centum* of the principal sums originally borrowed, the first of such instalments, with interest as aforesaid, to be paid on or before the first day of May one thousand eight hundred and fifty-four, and the remaining instalments, with interest as aforesaid, on the first day of May in each succeeding year, until the whole of such principal monies and interest shall be fully paid and satisfied.

Balance of principal monies with like interest to be paid by borrowers by instalments.

6. In default of payment to the said Treasurer and accountant of the said principal and interest monies, or any part thereof respectively, at the days and times appointed for payment of the same, all and singular the powers and authorities heretofore vested in the said commissioners of the loan for the recovery of the same in the event of default in payment to the said commissioners of the said principal and interest monies, are and the same are hereby declared to be vested in the said Treasurer and accountant; and if the said Treasurer and accountant, or either of them, shall fail to act in execution of the said powers and authorities they shall be severally liable, as the case may be, to a penalty of five hundred pounds, to be recovered by an action of debt in the Court of Common Pleas at the suit of the Attorney General, or other the officer of the Crown for the time being, for the use of the Colony.

Nonpayment.

7. The custody and possession of all and singular the said principal and interest monies, together with all monies which shall be paid to the said Treasurer and accountant by the provost marshal under the authority of this Act, shall be and remain, subject always to the order and direction of the Commissioners of the Treasury, with the said Treasurer and accountant.

Custody of monies.

8. The said Treasurer and accountant shall, under the order and direction of the Commissioners of the Treasury, from time to time pay all and singular the said principal and interest monies so received by them, together with all other monies which shall be paid to them by the provost marshal as aforesaid, to the Governor of this Island.

Payment of monies to Governor.

9. The Treasurer, in addition to the sums so to be paid by the Treasurer and accountant, shall on or before the first day of August next, and on or before the first day of August in each succeeding year, until the debt be extinguished, pay to the Governor such further sum as shall be required to complete the payment of the instalments of principal monies and interest due and owing to the Lords Commissioners of Her Majesty's Treasury.

Such further sum as required to complete payment of instalments to be paid to Governor for Treasury.

10. The Governor shall with the least practicable delay pay the monies so paid to him by the Treasurer and accountant and by the Treasurer to the Lords Commissioners of Her Majesty's Treasury, or to such person or persons as may be authorized to receive the same on their behalf, in payment of the principal monies, and the interest thereon, borrowed from the Lords Commissioners of Her Majesty's Treasury.

Payment by Governor to Lords of the Treasury.

Books to be kept by Treasurer and accountant.

Report.

Powers vested in commissioners to vest in Treasurer and accountant.

Delivery of books by commissioners to Treasurer and accountant.

Payment of salary due to commissioners.

Incidental expenses.

Act not to affect power of Governor.

Term "Governor."

11. The Treasurer and accountant shall keep in a book or books suitable to the purpose a full and particular account of all monies which shall be by them received by virtue of this Act, specifying the parties from whom and the times when the same shall be so received, and the appropriation of the same, and shall once in every year, or oftener, if the same shall be required, make a report of their proceedings to both Houses of the Legislature.

12. All other the duties, trusts, powers, and authorities by law heretofore imposed upon and vested in the said commissioners of the loan which are now subsisting and capable of being performed and executed shall be and the same are hereby declared to be imposed upon and vested in the said Treasurer and accountant, who are hereby authorized and required to perform and execute the same accordingly.

13. The persons acting at the passing of this Act as commissioners of the loan are hereby required to deliver to the said Treasurer and accountant for the time being of the Island all books, records, vouchers, letters, or other documents whatsoever belonging to or connected with the said commission, and the said Treasurer and accountant are hereby required to grant a receipt for the same and to keep the same in their joint custody and possession.

14. It shall be lawful for the Governor to draw upon the Treasurer for such salary as shall be due and owing at the passing of this Act to the said commissioners of the loan.

15. It shall be lawful for the Governor, upon the requisition of the Commissioners of the Treasury, to issue his warrant to the Treasurer for the payment annually of a sum not exceeding ten pounds for any incidental expenses which shall or may be incurred by the said Treasurer and accountant in the performance of the duties imposed upon them by this Act.

16. Nothing herein contained shall be taken to affect the power by law at present vested in the Governor or officer for the time being administering the government of this Island, in the event of default of payment of the said principal monies, or the interest thereon, borrowed from the Lords Commissioners of Her Majesty's Treasury, at the respective times appointed for payment of the same, to direct the Treasurer to pay to such person or persons as may be authorized to receive the same on behalf of the Lords Commissioners of Her Majesty's Treasury the amount of such principal and interest monies in preference to any debt then due or thereafter to become due from the public of this Island.

17. The word governor shall apply to the person for the time being in the actual administration of the government of this Island.

No. 117.

AN ACT for establishing certain Regulations of Police for this Island.

[Dated 23rd June; Left to its operation by Order in Council dated 14th November 1854.]

WHEREAS it is expedient to establish certain regulations of police for this Island: Be it therefore enacted by the Governor and the Council and the Assembly as follows:

1. Every person shall be liable to a penalty not exceeding forty shillings who shall in any thoroughfare or public place commit any of the following offences; that is to say,

Furious riding or driving.

Every person who shall ride or drive furiously or so as to endanger the life or limb of any person, or to the common danger of the passengers in any thoroughfare:

- Every person who shall cause any cart, carriage, truck, or barrow, with or without horses, to stand longer than may be necessary for loading or unloading, after being warned to depart, or who by means of any cart, carriage, truck, or barrow, or any horse or other animal, shall cause any obstruction in any thoroughfare: Obstruction in thoroughfare.
- Every person who without the consent of the owner or occupier shall affix any posting bill or other paper against or upon any building, wall, fence, or pale, or write upon, soil, deface, or mark any such building, wall, fence, or pale with chalk or paint, or in any way whatsoever: Posting bills.
- Every prostitute or night walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers: Prostitutes.
- Every person who shall sing any profane, indecent, or obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, to the annoyance of the inhabitants or passengers: Indecent song or figure.
- Every person who shall wantonly discharge any firearm or throw or discharge any stone or other missile to the damage or danger of any person or property: Discharging or throwing firearms or missiles.
- Every person who shall fly any kite, hoist any flag, or play at any game, to the common danger or annoyance of passengers: Kite or game.
- Every person who shall lay or throw in or about any thoroughfare to obstruction thereof, or to the inconvenience of the neighbouring residents, any coals, stones, lime, bricks, timber, or other matter or thing whatsoever (except building materials to be used in the immediate neighbourhood, or rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any mischief happening to passengers): Placing coals, &c. in thoroughfare.
- Every person who shall empty or begin to empty any privy or remove any night soil between the hours of five in the morning and ten at night, or shall wilfully or carelessly spill any such offensive matter, or who shall throw any such night soil, dirt, litter, ashes, or any carrion, fish, offal, or any rubbish in or about such thoroughfare or public place, or on any spot within a quarter of a mile to the eastward of the city: Removing night soil.
- Every driver of any cart, car, dray, crank, or waggon who shall be found riding in or upon the same without having and holding the reins, or who shall be at such distance from the same that he cannot have the proper direction of the animal or animals drawing the same: Driving cart, &c. without reins.
- Every person whose cart, car, dray, crank, or waggon shall be in use without having the name of the owner thereof legibly marked thereon with paint: Name on vehicle.
- Every person who shall commit any mischievous or disorderly act tending to the annoyance of the inhabitants, or the injury of property; and it shall be lawful for any police officer or other constable to take into custody, without a warrant, any person who shall commit any such offence within view of any such police officer or other constable: Mischievous or disorderly conduct.
2. Every person who shall have or keep any brothel or house of ill fame, or any house, shop, room, or place of public resort within this Island, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), and who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, shop, room, or place, or knowingly suffer any unlawful games, or any gaming whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein, shall for every such offence be liable to a penalty not exceeding five pounds. House of ill fame. Refreshment houses.
3. Every person who shall in any street or public thoroughfare be guilty of any riotous or indecent behaviour, or who shall in any police station house be

No. 16.

No. 138, ss. 4, 5.

Riotous or indecent behaviour.

guilty of any violent or indecent behaviour, shall be liable to a penalty not exceeding two pounds.

Damage to person or property by offence forbidden.

4. Every person who by committing any offence herein forbidden shall have occasioned any hurt or damage to any person or property may be apprehended, with or without a warrant, by any police officer or other constable; and if he shall not upon demand make amends for such hurt or damage to the satisfaction of the person aggrieved, he shall be detained by the police officer or other constable, in order to be taken before a justice, and upon conviction shall pay such a sum not exceeding ten pounds as shall appear to the justice before whom he shall be convicted to be reasonable amends to the person aggrieved, besides any penalty to which he may be liable for the offence, and the evidence of the person aggrieved shall be admitted in proof of the offence: Provided always, that if the person aggrieved shall have been the only witness examined in proof of the offence, then the sum ordered to be paid as amends shall be applied in the same manner as a penalty.

Evidence.

Gunpowder.

5. No quantity of gunpowder exceeding five pounds shall be kept in any store, warehouse, dwelling-house, cellar, or other private building or premises in any city or town, unless such gunpowder shall be secured in fire-proof cases, under a penalty of four shillings for each pound kept over and above the quantity hereby limited to be kept, and no person shall sell gunpowder after dusk under a penalty of five pounds.

Blasting.

6. It shall not be lawful without the written authority of a justice to blow or blast any rock by means of gunpowder within the limits of any city or town in this Island, and any person who shall be guilty of such offence shall be liable to a penalty not exceeding five pounds.

Irreverent behaviour in church, &c.

7. If any person shall behave profanely, irreverently, or indecently in any church, chapel, or meeting-house appropriated for religious worship, during the performance of divine service therein, or in any churchyard or cemetery, during the performance of any religious service on the interment of the dead, and complaint thereof shall be preferred by the minister officiating therein, or by any person authorized by him, the offender shall be liable to a penalty not exceeding five pounds.

Receipt or possession of military accoutrements, arms, or barrack furniture.

8. Any person who shall unlawfully have in his possession or keeping, or shall knowingly detain, buy, exchange, or receive from any soldier or deserter, on any pretence whatsoever, or shall solicit or entice any soldier or shall be employed by any soldier knowing him to be such to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or regimental necessities, or any articles of fodder provided for any horses or mules belonging to Her Majesty's service, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence a sum not exceeding ten pounds, together with treble the value of all the several articles above described of which the offender shall have become possessed, and in default of such payment of such penalty and treble value shall be liable to be committed for any period not exceeding two months; and if any credible person shall prove on oath before any justice a reasonable cause to suspect that any person has in his possession or on his premises any property herein-before described, on or with respect to which any such offence shall have been committed, such justice may grant a warrant to search for such property as in the case of stolen goods.

Search warrant.

Resisting or assaulting police officer.

9. Any person who shall resist or assault any police officer in the execution of his duty, or shall aid or incite any person so to assault or resist, shall be liable to a penalty not exceeding five pounds, and in default of payment to be committed for any period not exceeding two months.

10. Every person who shall be brought before any justice charged with having in his possession or conveying in any manner anything which may be reasonably suspected to be stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such justice how he came by the same, shall be liable to a penalty not exceeding two pounds.

Receipt or conveyance of stolen property.

11. Upon complaint on oath by the party aggrieved before any justice of the unlawful detention of any personal property the value of which shall not exceed ten pounds, it shall be lawful for such justice to inquire into all the circumstances of the said alleged detention, and to award the restoration of the property so detained, or the payment of the value thereof to the complainant; and if the offender shall fail to comply with such award he shall be liable to be committed for any period not exceeding two months.

Unlawful detention of property.

12. Every person preferring a complaint at any police station or before any justice shall deposit with the officer in charge of such station or with such justice the sum of one shilling, and it shall be lawful for the justice who shall hear and determine such complaint, whether or not a warrant or summons shall have been issued in consequence thereof, to award such costs as shall have been actually incurred in the investigation of such complaint, to be paid as to him shall seem meet to or by either of the parties to the said complaint: Provided, nevertheless, that it shall be lawful for the justice to order any complaint to be entered without the payment of the said sum in cases where he may consider it just and expedient.

No. 169, ss. 17, 31, 35.

Deposit on complaint.

Costs.

13. It shall be lawful for the officers of police and all other persons to capture and impound any horse, mule, ass, ox, or other cattle, or any sheep, goat, or swine which shall be found tethered or wandering, straying, or lying in any public street or thoroughfare of any city or town, or in any high road of this Island, for the release of which the following fines shall be paid to the pound-keeper; that is to say, for every horse, mule, ass, ox, or other cattle so released a fine of four shillings, of which two shillings shall be paid by the pound-keeper to the person impounding the same, and two shillings shall be retained by the pound-keeper as a compensation for securing and feeding the same; and for every sheep, goat, or swine so released a fine of two shillings shall be paid, of which one shilling shall be paid to the person impounding the same, and one shilling shall be retained by the pound-keeper as a compensation as aforesaid; and if any horse, mule, ass, ox, or other cattle so impounded shall not be redeemed within five days after such impounding, or if any sheep, goat, or swine so impounded shall not be redeemed within three days after such impounding, the same at the expiration of the fifth or third day, as the case may be, shall be sold by public outcry, and the proceeds arising from the sale thereof, after deducting the penalty and the expenses, if any, attending the sale, shall be paid by the pound-keeper to the owner of the animal so sold; and in case no application by or on behalf of the owner shall be made within twenty-one days after such sale shall have taken place the said proceeds shall be paid to the Treasurer on the public account.

Animals tethered or wandering in street or thoroughfare.

No. 204.

14. If any person shall rescue or attempt to rescue any animal impounded or being about to be impounded under the authority of this Act, the person so offending shall be liable to a penalty not exceeding two pounds.

Rescue or attempt to rescue animal.

15. Any person who shall illegally impound or capture for the purpose of impounding any animal as aforesaid, on conviction thereof before any justice by testimony other than that of the owner of the animal so impounded or captured, shall be liable to a penalty not exceeding five pounds; and it shall be lawful for such justice to award the penalty imposed upon the offender to be paid to the owner of the animal so illegally captured or impounded; and in the event of the nonpayment of the penalty so imposed, to order and direct the release of any

Illegal impounding or capture of animal.

animal so illegally impounded upon payment by the owner thereof to the pound-keeper of any expense which shall have been incurred for securing and feeding the same.

Act not to prevent indictment.

16. Nothing herein contained shall be construed to prevent any person from being indicted for any indictable offence made punishable on summary conviction by this Act, or to prevent any person from being liable under any other Act or Acts to any other or higher penalty or punishment than is herein provided for such offence by this Act, so nevertheless that no person be punished twice for the same offence.

Recovery of fines.

17. All fines, penalties, and amends imposed by this Act shall be recovered before any justice, who in default of payment is hereby authorized to commit the offender to the common gaol, with or without hard labour, for the period prescribed in default of payment in regard to the particular offence of which the offender shall be convicted; and if no period of commitment in default of payment be prescribed, such justice is hereby authorized to commit the offender to the common gaol, with or without hard labour, for any period not exceeding two months: Provided always, that upon payment by the offender of the fine or penalty incurred or amends awarded, after his commitment, his imprisonment shall cease.

Disposition of fines.

18. All fines and penalties imposed by virtue of this Act under the order of any justice, except as is herein-before directed, shall be paid into the public treasury of this Island in aid of the expenses of the government thereof.

Definition of terms.

19. In the construction of this Act the word "governor" shall mean the officer for the time being in the actual administration of the government of the Colony; the word "justice" shall mean a *justice of the peace of this Island*; the word "month" shall mean calendar month; words importing the masculine gender shall include females; words importing the singular number shall include the plural number; words importing the plural number shall include the singular number.

No. 169. s. 33.

No. 118.

AN ACT for shortening the Language used in Acts of this Island.

[Dated 28th June; Left to its operation by Order in Council dated 18th October 1854.]

BE it enacted by the Governor and the Council and Assembly as follows:

Acts may be altered in same session.

1. Every Act to be passed after the commencement of this Act may be altered, amended, or repealed in the same session of the Legislature, any law or usage to the contrary notwithstanding.

Sectional division.

2. All Acts shall be divided into sections if there be more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words.

Gender.

3. In all Acts words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided; and the word "month" to mean calendar month, unless words be added showing lunar month to be intended; the words "oath," "swear," "affidavit," shall include affirmation, declaration, affirming, and declaring in the case of persons by law allowed to declare or affirm instead of swearing; the word "justice" shall mean a justice of the peace of this Island; the word "governor" shall mean the officer for the time being in the administration of the government of this Island.

Number.

Month.

Oath or affirmation.

Justice.

Governor.

4. Where any Act repealing in whole or in part any former Act is itself repealed, such last repeal shall not revive the Act or provisions before repealed, unless words be added reviving such Act or provisions. Repeal and revival of Acts.

5. Wherever any Act shall be made repealing in whole or in part any former Act and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last-made Act. Substituted provisions.

6. Every Act made after the commencement of this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Act. Future Acts to be Public Acts.

No. 119.

AN ACT for the Regulation of Quarantine in this Island.

[Dated 7th July; Left to its operation by Order in Council dated 11th December 1854.]

WHEREAS it is expedient to make further provision for the security of the public health: Be it enacted by the Governor and the Council and Assembly as follows:

1. All vessels arriving in this Island, together with all persons, goods, and merchandisc whatsoever embarked therein, coming from any port or place where cholera, small-pox, or any epidemic disease of or contagious or infectious character shall exist, or from any port or place from whence the Governor by and with the advice of the Council of this Island shall judge it to be probable that infectious distempers may be brought, or having had or then having on board any person ill of any of the aforesaid diseases, or on board of which vessel any person shall have died from any such disease as aforesaid during the passage to this Island, shall before any such vessel is allowed to enter any port of this Island, or any such persons, goods, or merchandise are permitted to be landed, be liable to perform quarantine in such place, for such time and in such manner as shall from time to time be directed by the Governor by and with the advice of the Council. Vessels and persons liable to quarantine.

2. Until any vessel as aforesaid shall have performed and been duly discharged from quarantine no person or persons on board of or belonging to such vessel, nor any part of the cargo or lading of the same, shall be permitted to leave or be removed or taken from such vessel, either to go on shore or on board of any other vessel in any port of this Island, unless by the direction or with the consent of the Governor by and with the advice of the Council, or of some person or persons duly authorized by them; and every such vessel, and all persons, goods, and merchandise on board the same, and all other vessels, boats, and persons having communication with the same, shall be subject to such orders, rules, and directions concerning quarantine and the prevention of contagion as shall be made by the Governor by and with the advice of the Council, or by some person or persons duly authorized by them. No person to land from or go on board nor cargo to be laden on or removed from such vessel.

3. It shall be the duty of the harbour-master of the port at which any such vessel shall arrive to report to the health officer the arrival of any vessel coming from any port or place where any such disease as aforesaid shall exist, or from any port or place from whence the Governor by and with the advice of the Council shall have judged it to be probable that infectious disorders may be Harbour-master to report to health officer.

- brought, or having had or then having on board any person ill of any of the aforesaid diseases, or on board of which vessel any person shall have died from any such disease as aforesaid during the passage to this Island; and it shall be the duty of such health officer with the least practicable delay to board such vessel, to make strict examination into the state of the health of the crew and of all other persons arriving in the said vessel, and also to make strict inquiries of the master as to the existence of any such disease as aforesaid at the port or place whence such ship or vessel shall have originally sailed, or at which such ship or vessel may have called during such voyage; and if such health officer shall have cause to believe from such examination that there is danger of any such disease as aforesaid being introduced into this Island in such vessel he shall immediately report the same to the Governor, in order that such vessel may be subjected to the quarantine regulations; but if on the contrary it shall appear to such health officer that there is no danger of any such disease as aforesaid being introduced by admitting such vessel to an entry he shall grant a certificate under his hand to that effect to the master thereof, and such certificate shall be produced at the Custom House as a condition precedent to entry; and any master who shall conceal from any harbour-master or health officer the true state of the health of the crew or other persons on board of such vessel, or shall give an untrue answer to any inquiry made by such health officer or harbour-master under the authority of this Act, shall be liable to a penalty not exceeding fifty pounds.
- Duty of health officer.** 4. Any master or other person belonging to or on board of any such vessel, or any pilot or person acting with or accompanying such pilot who shall have proceeded on board of such vessel, who shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been visited by the health officer, or before permission granted by him for such landing, shall be liable to a penalty not exceeding fifty pounds.
- Concealment or untrue answer by master.** 5. Any person, the pilot or his assistant excepted, who shall proceed on board of any such vessel before she shall have been visited by the health officer, or before permission granted by him for such purpose, shall be liable to a penalty not exceeding fifty pounds.
- Quitting vessel before permission.** 6. Any master of a vessel liable to the performance of quarantine who having notice of such liability shall quit or knowingly suffer any passenger, seaman, or other person on board to quit such vessel before such quarantine shall have been performed, shall be liable to a penalty not exceeding fifty pounds.
- Proceeding on board before permission.** 7. Any master of a vessel liable to the performance of quarantine who shall not after notice given for such purpose cause such vessel, with her cargo, crew, passengers, and other persons on board of such vessel to proceed to the place appointed for the performance of quarantine, shall be liable to a penalty not exceeding fifty pounds.
- Master suffering person to quit vessel.** 8. Any person liable to the performance of quarantine who having been thereto required shall refuse or wilfully neglect to repair to the vessel, house, or other place appointed for the performance of quarantine, or who shall escape, or attempt to escape or depart therefrom before such quarantine shall have been fully performed, shall be liable to a penalty not exceeding fifty pounds, and shall be compelled to proceed or return thereto: Provided always, that any vessel without having previously anchored, or any person without having previously landed, placed in quarantine may depart the Colony.
- Master not proceeding to quarantine ground.** 9. Whenever a vessel shall be subjected to quarantine it shall be lawful for the Governor to appoint an adequate number of persons to act as health guards, whose duty shall be to see that the provisions of this Act in relation to the quarantine of such vessels are carried into due execution; and such persons
- Refusal or neglect to repair to, or escape or attempt to escape from place of quarantine.**
- Appointment of health guards.**

shall receive from the Treasury such reasonable compensation per day while actually in the performance of duty as the Governor by and with the advice of the Council shall award.

10. If any person not liable to quarantine shall go on board any vessel in the performance of quarantine, or shall enter any vessel, house, or place appointed for the performance thereof without the permission of the health officer, it shall be lawful for the health guard or other officer, or any person called to the assistance of such health guard or other officer, to compel by such force as the occasion may require such unlicensed person to remain in such vessel, house, or other place during the continuance of such quarantine.

Going on board or entering vessel or place in quarantine without permission.

11. In case any vessel shall be ordered to perform quarantine it shall be lawful for the officers of any of Her Majesty's vessels of war, or the officers of any of Her Majesty's forts or garrisons, or any health officer, or other person acting under the authority of this Act, and also for any other person called to their aid or assistance, to enforce the removal of any such vessel to such place as shall be appointed for the performance of such quarantine, and to use all necessary means for that purpose.

Removal of vessel to place of quarantine.

12. Any health guard or other person appointed to enforce the performance of quarantine who shall desert from duty, or shall knowingly permit or suffer any person or goods to depart or be carried out of the vessel, house, or place appointed for the performance of quarantine, or shall suffer any vessel to be removed from such place, contrary to the intent and meaning of this Act, shall be liable to a penalty not exceeding fifty pounds.

Misconduct of health guard.

13. Any person who shall knowingly conceal or clandestinely convey any letters, goods, wares, or merchandise from any vessel liable to or in the performance of the quarantine, or from any vessel, house, or other place where any persons or goods shall be subjected to quarantine, shall be liable to a penalty not exceeding fifty pounds.

Concealment or conveyance of property from vessel or place in quarantine.

14. Any master of a vessel who shall call upon the health officer to attend upon or furnish medicines to any person on board of such vessel shall be liable for the payment of the expense of such attendance and medicine.

Master of vessel liable for attendance and medicine supplied.

15. As soon as any quarantine shall have been fully performed by any vessel or person the health officer shall grant a certificate to that effect, whereupon every such vessel or person shall be liberated from all detention on the ground of quarantine.

Release from quarantine.

16. For the protection of persons acting in the execution of this Act, all actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not otherwise, and notice in writing of such action and the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client and shall have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

Protection of persons acting under this Act.

No. 169. s. 33.

Recovery of penalties.

17. The penalties imposed by this Act may be recovered before *any justice*, who in default of payment is hereby authorized to commit the offender to the common gaol for any period not exceeding three months: Provided always, that upon payment by the offender of the penalty incurred after commitment his imprisonment shall cease.

Appropriation of penalties.

18. All penalties which shall be recovered under this Act shall be paid to Her Majesty, Her heirs and successors, for the public use of this Island.

Incidental expenses.

19. It shall be lawful for the Governor by and with the advice of the Council to draw upon the Treasurer for any expenses incidental to the execution of this Act.

Construction of terms.

20. In the construction of this Act the word governor shall mean the officer for the time being in the actual administration of the government of this Island; the word justice shall mean a justice of the peace of this Island; the word master shall mean the master or other person in charge of any vessel; words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include females.

No. 120.

AN ACT to amend and consolidate the Laws in force to enable the Magistracy of this Island to appoint Rural Constables and to regulate the Duties and Fees of the same.

[Dated 17th July; Left to its operation by Order in Council dated 14th November 1854.]

WHEREAS it is expedient to amend and consolidate the several Acts in force to enable the magistracy of this Island to appoint rural constables and to regulate the duties and fees of the same:

Be it enacted by the Governor and the Council and Assembly as follows:

1. Certain Acts repealed.

Appointment of rural constables.

2. It shall be lawful for any two justices from time to time to appoint by precept under their hands any number of the inhabitants of any plantation or village in this Island possessed of the necessary intelligence and character to act as constables for such plantation or village, and such persons shall have and exercise the power and authority incident to the office of constable, and shall and may act as occasion may require in the performance of their duty as constables generally without reference to the particular plantation or village for which they may have been appointed.

3. The justices making the appointment shall administer to the persons appointed the following oath; that is to say,

Oath of office.

‘ I A.B. do swear that I will well and truly serve our Sovereign Lady the Queen in the office of rural constable for the plantation (or village settlement, as the case may be) called _____ and as constable generally, if occasion shall require, without favour or affection, malice or ill-will, and that I will to the best of my ability cause the peace to be preserved, and prevent all offences against the persons and properties of Her Majesty’s subjects.’

Staff.

4. Every such constable shall be provided by the Treasurer at the public expense with a staff of office, which shall have legibly marked upon it the name of the plantation or village for which he is appointed; and if such constable shall cease to be an inhabitant of the said plantation or village he shall cease to be such constable and shall deliver to the justices who appointed him, or to some

Duration of office.

justice of the parish in which such plantation or village is situate, his precept of appointment and staff of office, and if upon demand he shall fail so to deliver the said precept and staff of office he shall be liable to a penalty not exceeding forty shillings.

5. It shall be lawful for any justice upon the conviction of any such constable of wilful neglect of the duties of his office, or of any gross misconduct generally, to dismiss from office such constable, and upon such dismissal he shall deliver to the justice before whom the conviction shall take place, or before some justice of the parish in which the plantation or village for which he was appointed is situate, his precept of appointment and staff of office, and if upon demand he shall fail so to deliver the said precept and staff of office he shall be liable to a penalty not exceeding forty shillings: Provided always, that such dismissal shall not preclude any remedy at law which any party aggrieved by the offence of such constable might have had if such dismissal had not taken place. Misconduct.

6. Every such constable shall be subject to orders issued by the inspector general of police or by a justice in relation to police duty, and any such constable who shall fail to obey such order shall be liable to a penalty not exceeding five pounds. Subject to order of inspector general or justice.

7. Any justice may in case of emergency, on the application of the inspector general of police or any inspector or serjeant in charge of any police district or station, order on the public service for a period not exceeding at any one time twenty-four hours any number of rural constables, and any such constable who shall fail to obey such order shall be liable to a penalty not exceeding five pounds. May be ordered on public service.

8. Any justice may grant a certificate for payment to a rural constable for the performance of duty by the order of such justice, under the authority of this Act, of any sum not exceeding the sum of four shillings per day of twenty-four hours, and the amount specified in such certificate shall be included and paid as an established charge in the monthly accounts of the inspector general of police. Payment.

9. The Governor may in case of any riot or disturbance order on the public service any number of rural constables for such period as he shall deem expedient, and if any such constable shall fail to obey such order he shall be liable to a penalty not exceeding ten pounds; and the Governor may issue his warrant to the Treasurer for the payment of a sum by way of compensation to such constables not exceeding to each constable four shillings per day of twenty-four hours. Riot or disturbance.

10. The Governor may on the certificate of the sitting justice at any police station issue his warrant to the Treasurer for the payment of any necessary medical or surgical attendance on any rural constable who shall sustain bodily injury while in the performance of duty. Medical attendance in case of injury. No. 201. s. 32.

11. Any person who shall assault or resist any rural constable in the execution of his duty, or who shall aid or incite any person so to assault or resist, shall be liable to a penalty not exceeding ten pounds. Assaulting or resisting constable.

12. All fines and penalties imposed by this Act shall be recoverable before any justice, who in default of payment is hereby authorized to commit the offender to the common gaol where the penalty shall not exceed the sum of five pounds for any period not exceeding two months, and where the penalty shall not exceed the sum of ten pounds for any period not exceeding six months: Provided always, that upon payment by the offender of the penalty incurred after his commitment his imprisonment shall cease. Recovery of fines.

13. All penalties recovered under the authority of this Act shall be payable to Her Majesty, Her heirs and successors, for the public use of this Island. Appropriation of penalties.

No. 121.

AN ACT to revive an Act, intituled "An Act for ascertaining the respective Obligations of Mariners and other Persons employed on board Vessels commonly called Droghers, and the Owners thereof."

[Dated 14th, published 15th March; Left to its operation by Order in Council dated 26th June 1855.]

WHEREAS an Act of this Island, dated the eighteenth day of May one thousand eight hundred and forty-three, intituled "An Act for ascertaining the respective Obligations of Mariners and other Persons employed on board Vessels commonly called Droghers, and the Owners thereof," as the same was continued by an Act dated the second day of July one thousand eight hundred and forty-nine, expired on the sixth day of July one thousand eight hundred and fifty-four, being the next meeting of the Council and Assembly after the expiration of five years to which the continuation of such Act was limited:

And whereas it is expedient that the said Act should be revived:

Act No. 82 revived.

Be it enacted by the Governor and Council and Assembly, That an Act of the said Island, intituled "An Act for ascertaining the respective Obligations of Mariners and other Persons employed on board Vessels commonly called Droghers, and the Owners thereof," shall be and the same is hereby revived from the publication hereof.

No. 122.

AN ACT to make Provision for the Relief of the Poor in this Island.

[Dated 8th June; Left to its operation by Order in Council dated 24th September 1855.]

WHEREAS an Act, entitled "An Act to establish a general Poorhouse for this Island and to repeal the Law now in force for the Relief of the Poor, and to make other Provisions in lieu thereof," would shortly expire, and it is expedient to repeal the same and to make other provisions in lieu thereof: Be it enacted by the Governor and Council and Assembly as follows:

1. Repeals recited Act and another Act.

Appropriation of certain buildings for purposes of poor-house.

2. The buildings to the east, the north-east, and south-east of the common gaol formerly used as barracks, with the various offices attached thereto, shall be denominated the Antigua Poorhouse, and shall be appropriated under the provisions and regulations herein-after contained to the reception of the impotent and disabled poor of this Island.

Powers of guardians.

3. The guardians herein-after mentioned shall have power to enclose so much of the grounds surrounding and to make such modification of the said buildings as shall to them seem expedient: Provided always, that if at any time the cost of such work is likely to exceed the sum of fifty pounds, a plan of the same, with an estimate of the probable expense, be first submitted to the Governor and the Two Houses of Legislature for their approbation.

Constitution of Board of Guardians; three to form quorum.

4. It shall be lawful for the Governor from time to time to appoint one member of Council and three members of Assembly and seven other persons, who shall be called the Guardians of the Poor; and the superintendence and control of the poorhouse, of the inmates thereof, and of all persons receiving relief under this Act, shall be vested in said guardians, three of whom shall form a quorum for the despatch of business.

5. The Governor shall from time to time appoint a resident master and clerk and a matron of said poorhouse [and the salary of the master and clerk shall be one hundred and twenty pounds and of the matron sixty pounds *per annum*].
6. The guardians shall meet at least once in every month at the poorhouse for the despatch of business, and the master and clerk shall on the application of any two members summon an extra meeting at a time to be named in such summona.
7. The guardians shall provide for the proper lodging, clothing, and maintenance of the inmates of the poorhouse, also medical attendance and medicines, with one or more nurses, as may be required, and if found necessary a teacher for the juvenile inmates; and in cases of special emergency it shall be lawful for the guardians to afford relief to persons entitled to such relief under this Act although not residing within the poorhouse.
8. Any guardian shall have authority to give to any poor or destitute person an order for admission to the poorhouse: Provided always, that such order be submitted to the guardians at their next meeting, and shall be subject to their confirmation or disallowance, as the case may be.
9. It shall be lawful for the guardians to employ the inmates of the poorhouse in any light work or occupation about the house or grounds attached thereto, provided always the medical adviser shall be of opinion such work will not be detrimental to or beyond the strength of such inmate; and it shall be lawful for the guardians, in the case of any young person over whom they have control under the provisions of this Act, to bind such young person as apprentice to any trade, craft, or occupation, according to the provisions of an Act, intituled "An Act to authorize the binding of Apprentices and to regulate Apprenticeships within this Island:" Provided always, that such young person be not less than ten or exceeding fourteen years of age.
10. The guardians shall from time to time make rules and regulations for the internal order, discipline, and government of the poorhouse and inmates, which rules and regulations shall be submitted for the approbation of the Governor and the Two Houses of Legislature, and if approved shall have the force of law; and any person convicted of a violation of any of the rules and regulations before any two justices shall be liable to be imprisoned in the common gaol with or without hard labour for any period not exceeding three months.
11. The guardians shall provide suitable books in which the master and clerk shall record the names of all persons relieved in the poorhouse or otherwise, and shall furnish half-yearly to the Governor and the Two Houses of Legislature a report of the number relieved, with the expenses incurred.
12. The Treasurer shall upon the requisition of the guardians and the order of the Governor pay to the guardians, monthly or otherwise, in advance any sum not exceeding two thousand pounds *per annum* for the purposes of this Act.
13. Every person who from infancy, old age, disease, bodily infirmity, or mental incapacity is unable to labour for his support shall subject to the exceptions herein-after contained be considered a poor and destitute person within the meaning of this Act, and entitled to relief accordingly: Provided always, that this Act shall not extend to make provision for any infant whose parent or grandparent, or to any person whose wife or husband, parent, grandparent, or child shall be of ability to provide for such infant or other person, or whose property or effects shall be within this Island; and this Act shall not extend to any person not born within this Island, unless he shall have been resident therein at least three months.

8th July 1864.

No. 222. s. 3.

Governor to appoint master and clerk and matron. Salaries. Guardians to meet once in each month. Power to summon extra meetings.

Provision for paupers. Nurse or nurses as required. Juvenile teachers if necessary. Power to afford outdoor relief.

Any guardian may give order for admission subject to approval of board at next meeting.

Power to employ inmates in light work not in the opinion of medical officer detrimental, and power to apprentice young persons according to provisions of Apprenticeship Act of 13th October 1841. No. 78.

Rules.

Penalty for violation of rules.

Books of record to be provided. Half-yearly report to be made.

Expenditure not exceeding 2,000*l.* per annum.

Definition of destitute persons within the meaning of the Act. Exceptions. [Leprosy, No. 198. s. 24.]

Liability for maintenance of relations.

14. For the purposes of this Act, every husband shall be liable to maintain his wife and every child under the age of fourteen, whether legitimate or illegitimate, she may have at the time of marriage with such husband, every father to maintain his child, every grandparent his grandchild, every widow her child, and the father and mother of every bastard child their bastard child until such child respectively shall attain the age of fourteen years; and when any poor person shall through old age, infirmity, or other defect be unable to support himself, every child and grandchild of such person shall be liable, according to his ability, to maintain such poor person: Provided always, that nothing herein contained shall be taken to remove or lessen the obligation to which any husband or parent is by law liable in regard to the maintenance of his wife or children, legitimate or illegitimate, respectively, independently of this Act.

Penalty for neglecting to maintain relations whose support is charged upon any person by the Act.

15. If any person made liable by this Act to maintain any other person shall neglect or refuse so to do, on complaint made by the guardians of the poor, who are hereby empowered to make such complaint, it shall be lawful for any two justices, if satisfied of the ability of the party to make such payment, to order the said offender to repay to the guardians such sums as they shall have expended for or on behalf of the person whom the said offender is made liable to maintain, such sum not to exceed three shillings for each week such poor person shall have been supported by the guardians, and in default of payment of said sums or any part thereof to commit the offender to the common gaol for any period not exceeding three months.

Evidence of mother not to be sufficient as to parentage of bastard child without corroboration.

Provision for appeal to Court of Queen's Bench by party aggrieved by decision of justices under Act.

No. 169, s. 28.

16. If the parentage of any bastard child be disputed by the reputed father thereof the evidence of the mother shall not be deemed sufficient unless corroborated in some material particular by other testimony: Provided always, if any person shall find himself aggrieved by any order of the justices on such person as the reputed father of any bastard child, it shall be lawful for said person to appeal to the Court of Queen's Bench and Grand Sessions next ensuing, and such person shall at the time of praying such appeal enter into a recognizance with two securities conditioned to try the same and to abide the judgment of the court thereon, and to pay all the costs incurred by the guardians of the poor in case the order of the justices be affirmed by the court; and the said court is hereby empowered to hear and finally determine the matter and to make such order thereon as shall seem meet, and the said court shall award such costs to the party appealing or appealed against as the court shall think proper.

RULES AND REGULATIONS FOR THE GOVERNMENT OF THE POORHOUSE AND LAZARETTO.

Visiting guardian.

1st. The establishments shall be visited at least once a month by one of the guardians, to be appointed by the chairman for the time being, who shall enter in the house-book, under date of his visit, the condition in which he found it, and whether the rules and regulations are properly complied with, adding such objections and suggestions as may have occurred to him in the course of his visit, and the minute so entered and also that of the medical attendant herein-after directed shall be read at the next meeting of the Board.

Medical attendant.

2nd. The establishments shall also be visited regularly by the medical attendant, who shall in like manner enter in the house-book any remarks he

may consider necessary as to the sanitary condition of the establishments, and specifying any particulars in which the same is capable of amendment.

3rd. The master shall enter in the house-book every case of breach of rules of the house, with the name of the delinquent, every case of deviation from or suspension or relaxation of the said rules, and on what account, and generally every occurrence not in the ordinary routine of the establishment. House-book.

4th. The master shall keep an account of all monies received and of all payments made by him, taking vouchers for the same. He shall purchase such supplies as shall be necessary for the establishments, he shall see that any article supplied by contract be of approved quality, and shall take especial care that the strictest economy be observed in every department. Account of monies.
Purchase of supplies.

5th. The master shall keep a register of all admissions and dismissions. He shall every half year make a report showing the number of inmates that were in the establishments at the end of the preceding half year and the number admitted during the current six months, how many dismissed, how many dead, and showing the number remaining in the house at date of report. Register of admissions
and dismissions.

6th. The master and matron shall reside in the poorhouse, and shall be responsible to the Board for the order and good government of their several departments. They shall not be absent from the establishment together at the same time, or except on the performance of duty, or on leave granted by the Board. They shall be permitted to attend Divine service on Sundays, but not at the same time, and each of them may attend Divine service on one evening in each week. Master and matron.

7th. The master and matron shall not be engaged in any trade or business, but shall give the whole of their time and attention to the establishments; nor shall they make any profit directly or indirectly by any of the supplies furnished the establishments. Their employment.

8th. The master shall superintend the male and the matron the female part of the establishment, and children are to be considered as belonging to the female part; but in all cases coming under the head of general management the master is to decide. Duties.

9th. The male and female inmates shall be lodged in different parts of the buildings, to prevent communication between the sexes. Separation of sexes.

10th. All persons sent to the poorhouse apparently sick and destitute are to be allowed to remain until such time as the master can communicate with a guardian. Reception of sick.

11th. Every inmate shall be provided with suitable clothing, to be marked "Poorhouse," with date affixed. The master is to report to the Board as often as wearing apparel or bedding is required, and the Board being satisfied of the same shall make an order for the articles required. Clothing.

12th. Every adult inmate shall be provided with a bedstead and bedding, and no more persons shall sleep in one apartment than the medical attendant shall certify to be consonant to the rules of health. Dormitories.

13th. All persons shall rise with daylight, wash and comb themselves, and preserve a cleanly appearance throughout the day, and retire to rest at eight in the evening, after which no light shall be allowed in any of the wards, and the outer doors shall be locked at nine o'clock. Hours of rising and
rest.
Lights.

14th. The inmates, when their health and circumstances will allow, shall attend Divine service once in the morning or afternoon on Sundays.

**Muster roll.
Prayers.**

15th. The muster roll of the inmates shall be called over by the master every morning at eight and every evening at sunset, and morning and evening prayers shall be read at those hours by the master, when all persons shall be required to attend.

Schoolmistress.

16th. A schoolmistress shall be provided for the instruction of the children in the establishment, the school hours to be fixed by the guardians.

Meals.

17th. Breakfast shall be served at nine in the morning, and dinner at three in the afternoon. If any inmate be unable to use all his allowance, the portion not used must be carefully returned to the matron, and no food shall be given away or exchanged for any article whatever.

Dietary.

18th. The dietary of the establishments shall be in accordance with that contained in the table hereto annexed, modified in case of sickness as considered necessary by the medical attendant.

Sanitary regulations.

19th. The strictest attention shall be paid to the sanitary condition of the establishments:—

For which purpose, immediately after rising every morning the premises shall be swept and cleaned, the beds shaken and aired, the furniture, walls, and ceiling dusted and cleaned, and the dust and foul water resulting from these operations, and generally all foul water, dust, dirt, sweepings, rubbish, table and kitchen refuse, &c., removed to a distance. There shall be regular washing days to be fixed by the master, for the washing of the linen of the house and inmates, and as often as it shall be reported by the visiting guardian that the case requires it the entire premises shall be whitewashed inside and outside.

**Employment of
inmates.**

20th. The master and matron are to see that as much as possible there shall be no idleness on the premises, especially among the younger and more able-bodied inmates. With this view they are to employ the inmates in the different services of the establishment, in washing, ironing, cooking, cleaning, scouring, dusting, bed-making, fetching and carrying water, mending clothes, needlework, &c., and generally in forwarding the business and performing the offices of the establishment.

**Absence of inmate
without leave.**

21st. No inmate shall absent himself from the establishment without leave from the Board, or, under extraordinary circumstances, from the master, who in giving such leave is to appoint the time of his return; and if any inmate shall be absent without such leave, or having obtained such leave shall not be back by the time appointed, he shall be liable for the second and subsequent offences to the punishment herein-after mentioned, but this shall not interfere with the rule for attendance on Divine service on Sundays.

**Prohibition of wine
and spirits, smoking
in rooms, and fire.**

22nd. No wine or spirituous or fermented liquors shall be used, except on the order of the medical attendant, and no smoking shall be allowed within the rooms, and all fire is forbidden, except in the kitchen and laundry.

Gaming.

23rd. No gaming with cards or dice or gaming of any sort shall be allowed, and the master shall be at liberty to seize and destroy all implements of gambling which he may find on the premises.

Amusements.

But this rule does not forbid any harmless amusement in which after hours of duty the inmates shall be disposed to engage.

Misconduct.

24th. Any inmate who shall break any of the foregoing rules and regulations, or disobey the lawful commands of the master or matron, or oppose or obstruct them in the exercise of their duty, or generally do or omit any act tending to a breach of the order of the establishment, shall on conviction before the Board be

liable at its discretion to a diet of bread and water for any number of days not exceeding seven, and for the third offence, and also for leaving the premises contrary to the order of the Board, shall be liable to expulsion from the establishment.

25th. Sickness shall be a sufficient reason for the temporary relaxation or ^{Sickness.} suspension in favour of the sick inmate of such of the rules and regulations (with the exception of those relating to behaviour) as the nature of the case (of which the medical attendant, and, in his absence, the master shall be judge) shall seem to require.

26th. Printed copies of the above rules and regulations shall be fixed to the ^{Exhibition of rules.} wall in the master's and matron's apartments and on the Board room respectively.

DIETARY FOR THE POORHOUSE.

Breakfast Daily.

Five ounces bread and one pint hot water sweetened, or sugar not exceeding two ounces for each person. For the sick and infirm, one pint of arrowroot made with an ounce of arrowroot to the pint of water.

Dinner.

Sunday.—Eight ounces bread, four ounces salt fish dressed with vinegar.

Monday.—Three ounces bread, and a dumpling which is to be made of corn meal and wheaten flour, in the proportions of two-thirds of the former and one-third of the latter, to weigh when dressed four ounces; also one pint peas soup, made as follows (seasoned with salt pork, pepper, &c.) :—

One quart peas,	} When cooked to make one gallon soup.
Ten ounces pork,	
Two gallons water,	

Tuesday.—Sixteen ounces fungee and four ounces salt pork.

Fungée made as follows :—

Three pounds corn meal,	} When cooked to weigh seven and a half
Nine pounds water,	

Wednesday.—The same as Monday.

Thursday.—The same as Sunday.

Friday.—One pound and a quarter rice, say twenty ounces, boiled with two ounces salt pork, made as follows :—

Three pounds rice,	} When cooked to weigh nine	
Seven and a half pounds water, and		pounds; enough for seven
Fourteen ounces pork,		persons.

Saturday.—Eight ounces of bread and one pint soup, made of ox head, shins, and offal (when they can be procured), for forty adults, and when the number exceeds forty an allowance of four ounces of fresh meat for every additional person over eight years.

Dietary for Children.

Children above five years and under eight years old to be allowed half the quantity of food allowed to adults, with the exception of bread. Children under five years shall be fed, dieted, and maintained with such food and in such a manner as the guardians shall direct.

WM. SNAGG,
Chairman.

House of Assembly, 27th October 1859.

Approved and confirmed,
OLIVER NUGENT,
Speaker.

Council Chamber, 27th October 1859.

Approved and confirmed,
By command,
A. MUSGRAVE,
Clerk of Council.

Approved and confirmed, 27th October 1859,
E. EYRE.

No. 123.

AN ACT to vest certain Lands and Buildings the Property of the Crown in Trustees for the Use of the Colony.

[Dated and published 12th July 1855; Left to its operation by Order in Council dated 30th January 1856.]

Preamble.

WHEREAS Her most Gracious Majesty has signified Her royal disposition to transfer certain lands and buildings and certain stores and munitions of war the property of the Crown to and for the use and benefit of the public of this Island:

Lands and buildings
in vicinity of English
Harbour to be vested
in Governor, Presi-
dent, and Speaker.

Be it enacted by the Governor and the Council and Assembly of this Your Majesty's Island of Antigua, That from and after the publication of this Act all and singular the freehold lands situate in the vicinity of the town of English Harbour now vested in Her Majesty, Her heirs and successors, or in the principal officers of Her Majesty's ordnance in Great Britain and their successors in office for the use and service of the ordnance department or for military defence, with all and singular the buildings thereon, shall be and the same are hereby declared to be vested in the Governor, the President of the Legislative Council, and the Speaker of the House of Assembly, and their successors in office, to such uses, upon such trusts, and to and for the ends, intents, and purposes as shall from time to time be declared by the Legislature of this Island.

Resumption of land
for military defences.

Provided always, and it is hereby expressly declared, That nothing herein contained shall extend or be construed to affect the rights of Her Majesty, Her heirs and successors, if at any time Her said Majesty, Her heirs and successors, shall see necessity or occasion to occupy, and shall direct the occupation by any of Her Majesty's forces, or the forces of Her heirs and successors, of any fort, fortification, building, or land comprised within the operation of this present Act for the purposes of military defence.

2. That the stores and munitions of war to be transferred to the Colony shall be vested in and subject to the order and disposition of the Governor in Council to and for the public service of the Colony.

Stores, &c. subject to the order and disposition of the Governor for the public service.

No. 124.

AN ACT to establish a Fire Brigade in the City of Saint John.

[Dated 9th May ; Left to its operation by Order in Council dated 28th July 1856.]

WHEREAS it is expedient to establish a fire brigade for the protection of property in the event of fire in the city of Saint John :

Be it enacted by the Governor and the Council and Assembly as follows :

1. It shall be lawful for the Governor to nominate one member of Her Majesty's Council and three members of the House of Assembly and four other persons, who shall be called " Commissioners of the Fire Brigade," and from time to time to remove all or any of the persons so appointed and to fill up vacancies as the same shall occur ; and such member of Council and members of Assembly shall notwithstanding any dissolution of the House of Assembly continue to act as such commissioners ; and if any commissioner appointed from the House of Assembly shall fail to be elected a member of the next House of Assembly, he shall cease to be a commissioner, and it shall be lawful for the Governor to appoint another or others from the House of Assembly in his or their place and stead.

Appointment of commissioners.

2. Any three of the said commissioners shall constitute a quorum for the transaction of business, and the decision of any sitting of a majority shall be held to be the decision of the commissioners.

Three to form a quorum.

3. The fire brigade shall consist of one captain, five lieutenants, five sergeants, five corporals, and one hundred privates.

Strength of brigade.

4. The captain and lieutenants shall be appointed by the Governor and shall hold their appointments during his pleasure ; the sergeants, corporals, and privates shall be appointed and enrolled and from time to time removed by the captain, subject to the approbation of the commissioners : Provided always,

Appointment of officers and members.

Period of enlistment.

that every sergeant, corporal, and private shall enlist for a period of twelve months.

5. The captain and lieutenants shall possess the power of an ordinary constable.

Captain and lieutenants to have authority as constables.

6. The remuneration following shall be payable to the members of the fire brigade, viz. :—

Remuneration to members of force.

To the captain, one pound per month.

To the lieutenant, ten shillings per month.

To the sergeant, seven shillings and sixpence per month.

To the corporal, four shillings per month.

To the private, two shillings per month.

7. The commissioners shall prescribe times and places of meeting for the said fire brigade to be instructed and exercised in the duties of firemen, and shall make, alter, and revise rules and regulations for the discipline and government of the brigade, which shall from time to time be submitted for the approbation of the Governor, the Council, and the Assembly, and when the same so made, altered, or revised shall be approved the said rules and regulations shall have the force of law.

Rules for government of brigade.

Penalty for violation of rules.

Commissioners to provide all necessary implements, &c.

Brigade to be armed as commissioners shall direct.

Duty of commissioners and justices on alarm of fire to attend.

Powers to commissioners and justices.

Inspector general of police with adequate force to proceed to fire for protection of life and property.

Division of brigade into sections.

Commissioners to divide city into districts corresponding with sections. An engine to be kept in each district.

Upon alarm of fire members of section to muster at station house and proceed with the engine to fire.

Captain to proceed to fire and take command of brigade.

Brigade to be under the superintendence and command of captain.

8. Any person convicted of a wilful violation of any such rule or regulation shall be liable to a penalty not exceeding five pounds.

9. The said commissioners shall from time to time furnish all and singular the arms, clothing, tools, implements, and other matters and things whatsoever which shall be deemed to be necessary for the purposes of this Act.

10. The brigade shall be armed and attired for duty and for exercise as the said commissioners shall direct.

11. Upon the alarm of any fire in the city of Saint John or the suburbs thereof, it shall be the duty of every commissioner and of every justice of the peace in the said city as soon as he shall be apprised thereof promptly to repair to the place where such fire shall be, and any two of the said commissioners or justices or any one commissioner and one justice are empowered to give order and direction for the pulling down or blowing up of any house or other building for preventing the spreading of the fire, and to order and cause water to be taken from any cistern or well without the permission of the owner thereof.

12. Upon the like alarm of any fire the inspector general of police, or in his absence the officer in command, shall with such number of men as the emergency shall seem to require with all possible promptitude proceed to the place where such fire shall be, and shall preserve order, prevent all persons not giving assistance from crowding round or approaching the fire, and generally shall use all practicable means for extinguishing the fire and for the protection of life and property.

13. The said fire brigade shall be divided into five sections, each of which shall consist of one lieutenant, one sergeant, one corporal, and twenty privates, and the said section shall be marked for distinction with the letters A. B. C. D. E., and to each section shall be attached a fire engine, and the sergeant of each section shall have the immediate custody of such fire engine.

14. The said commissioners shall divide the city of Saint John and the suburbs thereof into five districts, which shall be denominated for distinction districts A. B. C. D. E., as the case may be, to each of which districts shall be assigned the section of the brigade correspondingly marked, and in which district the engine attached to the section so assigned shall in a suitable place to be provided by the said commissioners, to be termed the station house, be kept.

15. Upon the alarm of any fire in the city of Saint John or the suburbs thereof, every member of the particular section of the brigade to which he belongs shall repair to the station house of the district to which such section shall be assigned, and shall with all promptitude proceed with the said fire engine to the place where such fire shall be and shall use his utmost exertion, under the order and direction of the captain or senior officer for the time being who shall be there present, for the extinguishment of such fire, for arresting its spread, and for the preservation of life and property.

16. Upon the like alarm of fire it shall be the duty of the captain as soon as he shall be apprized thereof promptly to repair to the place where such fire shall be and place himself in command of the several sections of the said brigade, and to give order and direction for the extinguishment of such fire, for arresting its spread, and for the preservation of life and property.

17. The brigade shall be under the superintendence and command of the captain, and the fire engines and all and singular the tools, implements, matters, and things whatsoever used therewith or attached or belonging thereto shall be under his control and direction, and the said captain shall from time to time inspect and shall report the condition of the same to the commissioners, with a view to the maintenance of the said fire engines in a state of perfect efficiency for the public service.

18. It shall be lawful for any commissioner, any justice, or for the inspector general of police to call upon and command any person who shall be present at any fire in the city of Saint John or the suburbs thereof, to aid and assist in extinguishing such fire, and any person who shall refuse or neglect so to do shall be liable to a penalty not exceeding five pounds.

Power to compel assistance from persons present at fires.

19. Any person who shall on the occasion of any fire steal, embezzle, convey away, or fraudulently conceal any goods, wares, or merchandise, shall be guilty of felony, and upon conviction thereof before the Court of Queen's Bench and Grand Sessions shall be liable to be imprisoned in the common gaol with hard labour for any term not exceeding four years, with solitary confinement not exceeding one calendar month in every three months of such imprisonment.

Punishment on conviction for stealing or embezzling on occasion of any fire.

20. Any person who shall obstruct, hinder, or molest any person acting in the execution of his duty under this Act shall be liable to a penalty not exceeding ten pounds.

Penalty for obstructing persons in execution of duty.

21. Any person who shall wilfully damage or destroy any of the public wells or pumps, any public or private fire engine, engine house, or any pipes, hose, or any furniture or materials attached or belonging to the same respectively, shall be liable to a penalty not exceeding ten pounds.

Penalty for damaging wells, pumps, fire engines, &c.

22. It shall be lawful for the commissioners to grant a pecuniary reward not exceeding ten pounds to any person who shall render effective aid on the occasion of any fire in the city of Saint John or the suburbs thereof in extinguishing such fire, or in the preservation of life and property, and also to grant a like reward not exceeding five pounds to the sergeant, corporal, and privates of the section of the brigade who shall first put their engine into operation at any fire.

Commissioners may give reward for effective services at a fire.

23. If the pulling down or blowing up any house or building shall be the means of arresting the progress of any fire, or if any fire shall be extinguished before it reach the site of the house or building so pulled down or blown up, the commissioners shall cause the said house or building to be appraised on oath by two or more competent appraisers, and if such appraisement shall be deemed by the said commissioners to be just and reasonable the proprietor of the house or building so pulled down or blown up shall receive the appraised value thereof.

Provision for compensation for buildings destroyed in order to arrest fire.

24. All penalties imposed by this Act shall be recovered with costs in a summary manner *before a justice*, and upon conviction and default of payment the offender shall be liable to be imprisoned in the common gaol for any period not exceeding six months.

Recovery of penalties. No. 169. s. 33.

25. All penalties imposed by this Act shall be payable to Her Majesty, Her heirs and successors, to and for the use of the Colony.

Disposition of penalties.

26. The Treasurer shall upon the requisition of the commissioners and the order of the Governor pay such sums of money as shall be required for the purposes of this Act, provided always that the aggregate expenditure shall not exceed in any one year the sum of three hundred pounds.

Annual provision of 300*l.* for purposes of Act.

RULES AND REGULATIONS FOR THE FIRE BRIGADE.

1. That the engines shall be taken out for exercise on the first Monday in every month at 4 p.m. for the first six months, and after that period once in every six weeks.

Exercise.

2. That two engines shall alternately every month take out of town duty on the occurrence of fire beyond its limits and the suburbs thereof, and the captain shall intimate the same to the lieutenants of such engines on the first of every month.

Duty out of town.

Distance beyond one mile.

3. That no engine shall be compelled to be taken further than one mile from any portion of the city, unless the captain or officer in charge can engage to reward the men for the additional journey and labour.

Disposition in case of fire.

4. Should a fire take place contiguous to the city at night, the three engines on city duty shall immediately take up the following positions :—One at the head of the town, one at the court house, and one at the point, each engine repairing to the station nearest its own district, and the officer in charge thereof shall if the town be quiet draft off the sergeant and ten men and with them repair to the fire, leaving the corporal and ten men, who shall act as patrols for that portion of the city, and who shall not leave the post assigned to them without the authority of the captain or officer in charge.

Preservation of order.

5. That the greatest order shall be observed while on duty, and the officers are enjoined to repress any noise or excitement among the men, and any insubordination shall be immediately reported to the officer in charge.

Dress.

6. That the dress of the officers and men shall consist of :—

Captain, blue coat, blue trousers, cap, black belt, and sword.

Lieutenants, blue coat, blue trousers, cap, black belt, and sword.

Sergeants, straw hat with glazed cover, blue shirt with red collar, blue trousers, and belt.

Corporals, straw hat with glazed cover, blue shirt with red collar, blue trousers, and belt.

Men, straw hat with glazed cover, blue shirt with red collar, blue trousers, and black leather belt.

Parade.

7. That the officers and men shall appear on parade or exercise in full dress agreeably to rule 6, and should any of their outfit be dirty or appear to have been abused the offender shall be subjected to a fine not exceeding five shillings.

Outfit not to be worn except on duty.

8. Any sergeant, corporal, or private who shall wear any portion of his outfit except on duty shall be subject to a fine not exceeding five shillings.

Misconduct on duty.

9. Drunkenness, disobedience, or disorderly conduct on duty shall subject the offender to a fine not exceeding ten shillings, or to be dismissed from the brigade.

Removal of engine from station.

10. That no engine shall be taken out of the station house unless one of the officers or non-commissioned officers of the brigade be present.

Proceeding to fire.

11. Should either sergeant or corporal be at the station house before the lieutenant, either of them will proceed with the engine and men without delay to the fire.

Arrival at fire.

12. On each engine arriving near the fire the officer in charge shall halt at a convenient spot so as to avoid being mixed with the crowd, and shall forthwith report himself to the officer in charge of the brigade, who will direct him to take up his proper position with the least possible delay.

Substitutes.

13. Should the full complement of men not appear at their post within a reasonable time after the engine shall have arrived at the fire, the lieutenant or officer in charge shall have authority to employ substitutes, who shall be paid from the absentees' wages, and should any member of the brigade be sick, absent from the Island, or in any other way prevented from attending to his duty for the space of one month, he shall procure a fit and proper substitute.

Adjudication of complaints.

14. All complaints shall be adjudicated by the captain, and fines inflicted under the rules imposed by him, subject to an appeal to the commissioners.

Supply of oil, &c.

15. The captain shall make contracts for keeping in repair the public pumps, and for the supply of oil, tallow, &c., for the use of the engine and hose, and

shall employ some competent person as engineer to take charge of the mechanical parts of the engines, oil, &c., the said contracts to be submitted to the commissioners for their approval. Engineer.

16. That a book shall be kept by each lieutenant containing the names of the men attached to his section of the brigade, and the lieutenant shall enter the names of those present on duty and report to the captain the names of those who may have been absent, assigning the cause which may have been reported to him of such absence; that in the same book a tabular statement shall be kept of the number of the engine, quantity of hose (canvas or otherwise), implements, consumption of oil, tallow, &c. Service book.

House of Assembly, June 5th 1856.

Approved,

OLIVER NUGENT, Speaker.

Council Chamber, 5th June 1856.

Approved,

By command,

A. MUSGRAVE, Clerk of Council.

Approved,

(L.S.)

KER B. HAMILTON.

No. 125.

AN ACT for registering Births and Deaths.

[Dated 21st June; Left to its operation by Order in Council dated 22nd October 1856.]

WHEREAS it is expedient to provide the means for a complete register of births and deaths of Her Majesty's subjects in the Island of Antigua, whereby evidence of title to property may be more easily obtained and statistical information afforded for purposes of public interest and utility, and whereby also crime may be more readily discovered and more efficiently suppressed:

Preamble.

Be it therefore enacted by the Governor and the Council and Assembly as follows:

1. That from and after the first day of August in the year one thousand eight hundred and fifty-six, the office of the Colonial Secretary shall be a general register office for keeping a register of all births and deaths in the Island aforesaid, and that the Colonial Secretary shall be Registrar-General of births and deaths in the same.

Colonial Secretary to be Registrar-General of births and deaths.

2. That the Registrar-General with the approbation of the Council and Assembly may from time to time make regulations for the management of the said general register office, and for the duties of the said Registrar-General, and of the registrars herein-after mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; such regulations being submitted to the Governor for his confirmation, and when so confirmed shall be binding on the Registrar-General and on the registrars.

Rules for management of office and regulating duties of registrars, &c.

3. The Registrar-General shall furnish yearly to the Governor and the Council and Assembly a general abstract of the number of births and deaths registered during the foregoing year, in such form as the Two Houses of Legislature may with the approbation of the Governor require.

Annual abstract to be furnished.

4. That the Governor may appoint by warrant under his hand and seal one person in each parish to be registrar of births and deaths in the same parish,

Governor to appoint a registrar for each parish.

and in every case of vacancy in the office of registrar shall forthwith fill up the vacancy.

Registrar to reside in parish for which he is appointed.

Governor may remove registrars and appoint others.

Power for registrars to appoint deputy under certain provisions.

Register books not in use to be kept in fit receptacle left locked.

Provisions for enforcing delivery of books, documents, &c. from registrar to his successor.

Registrar-General to procure necessary register books for his office at public expense.

Registrar-General to furnish district registrars with necessary register books at public expense.

5. That the person so appointed registrar shall reside in the parish for which he is appointed.

6. That the Governor may from time to time remove all or any of the persons so appointed and appoint others in their stead.

7. That for every parish for which a registrar should be so appointed the registrar shall have power, subject to the approval of the Governor, to appoint by writing under his hand a fit person to act as his deputy in case of illness or unavoidable absence of such registrar, and every such deputy registrar while so acting shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning registrars, and in case of the death of the registrar shall act as registrar until another registrar is appointed, and every registrar shall be civilly responsible for the acts or omissions of his deputy.

8. That the register books herein-after mentioned while in the custody of the registrar, and not in use, shall be kept in an iron safe or other fit receptacle, and such safe or other receptacle shall always be left locked.

9. That in every case in which any registrar shall be removed from or cease to hold his office, all books, documents, and papers in his possession as such registrar shall be given as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such books, documents, or other papers in such case as aforesaid, it shall be lawful for any justice to issue a warrant under his hand and seal for bringing such person before any two justices, and such person appearing or not being bound, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to such justices that any such books, documents, or other papers are in the custody or power of any such person and that he has refused or wilfully neglected to deliver the same, the said justices are hereby required to commit such offender to the common gaol, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody they ought to be; and the said justices may grant a warrant to search for such books, documents, or other papers, as in the case of stolen goods, in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the person in whose custody they ought to be.

10. That the Registrar-General shall procure for his office, at the public expense, a sufficient number of register books for making entries of all births and deaths in Antigua, according to the forms of schedules (A.) (B.) to this Act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information required to be known and registered of births and deaths respectively; and every page of such books shall be numbered progressively from the beginning to the end, beginning with number one, and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one, and every entry shall be divided from the foregoing entry by a printed line.

11. That the Registrar-General shall furnish at the public expense to every registrar a sufficient number of register books of births and of the register books of deaths, and of forms of certified copies thereof, as herein-after provided; and every registrar shall be authorized and is hereby required to inform himself carefully of every birth and of every death which shall happen within his parish after the said first day of August, and to learn and register as soon after the

event as conveniently may be done, without fee or reward, save as herein-after mentioned, in one of the said books the particulars required to be registered according to the forms of Schedule (A.) and (B.) respectively touching every such birth or every such death, as the case may be, which shall not have already been registered, every such entry being made in order from the beginning to the end of the book; and every officer of police or other member of the police force shall be aiding and assisting in discovering every birth and death in the said Island, and when he shall have discovered any birth or any death, such officer of police or member of the police force is hereby required to inform the registrar of the parish in which such birth or such death shall have occurred of such birth or such death.

Duties of registrars.

Officers of police required to aid in carrying out provisions of Act.

12. That the father of every legitimate child, or the mother if the father be dead, or if both father and mother be dead, the possessor or occupier of the house or of the apartment or of the dwelling in which such child shall have been born, or the head of the family or of the household, or of persons residing or being in such house or apartment or dwelling; and the mother of every illegitimate child, or if the mother be dead the possessor or occupier of the house or of the apartment or of the dwelling in which such child shall have been born, or the head of the family or of the household, or of persons residing or being in such house or apartment or dwelling, shall within thirty days after the birth of any child, whether the same be born alive or be still-born, give or cause to be given notice of the birth of such child to the registrar of the parish in which such child shall have been born, and such notice shall contain and express the following particulars—the day of the birth of the child, the sex of the child, the name of the child if a name shall have been given it, if the child be legitimate, the name of the father and mother, if the child be illegitimate the name of the mother, if still-born such fact to be stated; and when any death shall have occurred, the possessor or occupier of the house or of the apartment or of the dwelling in which such death shall have occurred, or the head of the family or of the household or of the persons residing or being in such house or apartment or dwelling wherein such death shall have occurred, shall within five days after such death give or cause to be given notice of such death to the registrar of the parish in which such death shall have taken place; and in case any new-born child or any dead body shall be found, the guardians of the poor in the case of the new-born child, and the coroner in the case of the dead body, shall forthwith give notice and information thereof and of the place where such new-born child or dead body was found to the registrar, and for the purposes of this Act the masters or keepers of the gaol, poorhouse, infirmary, lunatic asylum, or other public or charitable institution shall be deemed the occupiers thereof; and in no case shall any dead body be interred in any other place than a public cemetery or burial ground unless a licence shall be obtained for such interment from the registrar of the parish where such interment shall take place, and any person or persons offending against any of the provisions of this clause shall each and severally forfeit and pay a sum not exceeding five pounds, to be recovered as herein-after mentioned.

Notice to be given of births and deaths to registrar of parish.

No dead body to be interred except in public cemetery without licence.

13. That it shall be lawful at any time within six months after the day of the birth of any child for any registrar, at the instance of any person present at the birth of such child, or the guardians or any other person interested on behalf of such child, who shall make a solemn declaration of the particulars required to be known touching the birth of such child according to the best of his or her knowledge and belief, then and there to register the birth of such child according to the information of the person making the declaration, and for every such registry as last aforesaid the registrar shall be entitled to have a fee over and

Provisions for certain special registration.

above the fee herein-after enacted in respect of every birth of five shillings from the person requiring the same to be registered; and no register of births shall be given in evidence to prove the birth of any child wherein it shall appear that thirty days have intervened between the day of the birth and the day of the registration of the birth of such child, unless the entry shall be signed by the Registrar-General as well as the registrar, who shall likewise be entitled to have a fee of five shillings from the person desirous of having the entry made; and every person who shall knowingly register or cause to be registered the birth of any child otherwise than herein-before is last mentioned, after the expiration of thirty days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding fifty pounds.

Parents may have names of child baptized within six months after registration recorded by registrar or Registrar-General, as case may be, on certificate of officiating minister.

14. That if any child born in Antigua, whose birth shall have been registered as herein-before directed, shall within six calendar months next after it shall have been so registered have any name given to it in baptism, the parent or guardian of such child or other person procuring such name to be given may within seven days next after the day of such baptism procure and deliver to the registrar or Registrar-General in whose custody the register of the child may then happen to be a certificate according to the form of Schedule (C.) to this Act annexed, signed by the minister who shall have performed the rite of baptism, which certificate such minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of one shilling, which he shall therefore be entitled to receive; and the said registrar or Registrar-General upon receipt of such certificate, and on payment of the fee of one shilling, which he shall be therefore entitled to receive, shall without any erasure of the original entry forthwith register therein that the child was baptized by such name, and the registrar shall thereupon certify upon the said certificate the additional entry so made and shall forthwith send the said certificate to the Registrar-General.

Provisions of Act to extend to still-born children arrived at period of viability.

15. That all the provisions of this Act touching the registering of births and deaths be held to apply to all still-born children who may have arrived at a period of viability.

Minister burying dead body to give notice of interment within seven days to registrar.

16. That every minister of religion or other person who shall perform any religious service for the burial of any dead body shall within seven days after the performance of such service give notice of the same to the registrar of the parish in which such service shall have been performed, in which notice shall be expressed the name of the deceased, his place of residence, and the date of interment, under a penalty not exceeding five pounds, to be enforced as herein-after mentioned.

Person giving information of birth or death to sign register.

17. That every person by whom the information contained in any register of birth or death under this Act shall have been given shall sign his name, description, and place of abode in the register, and that no register of birth or death according to this Act shall be given in evidence which shall not be signed by some person professing to be the informant and such party as is herein required to give such information to the registrar.

Registrars to furnish quarterly returns to Registrar-General.

18. That every registrar shall make out and transmit to the Registrar-General an account four times in every year of the number of births and deaths which shall have been registered since the last quarterly account, and the Registrar-General shall verify and sign the same and shall keep and preserve the same as a record in his office.

Extracts from register signed by Registrar-General to be legal evidence.

19. That all certified copies of entries in the said registers purporting to be signed by the Registrar-General shall be received in all courts of law and equity within this Island and by and before all and every other tribunal or authority

within the same as evidence of the birth or death to which the same relates, without any further or other proof of such entry.

20. That every registrar who shall refuse or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and every person having the custody of any register-book or of any sheet of forms on which any entry of any birth or death shall have been made, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for every such offence.

Penalty for neglect of duty or carelessness on part of registrar.

21. That every person who shall wilfully destroy or injure or cause to be destroyed or injured any such register-book or any part thereof, or any sheet of forms upon which any entry or entries shall have been made under the authority of this Act, or shall falsely make or counterfeit or cause to be falsely made or counterfeited any part of such register-book or certified extract thereof, or any entry in such sheet of forms as aforesaid, or shall wilfully insert or cause to be inserted in any register-book or sheet of forms as aforesaid any false entry of any birth or death, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register-book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the signature of any registrar of births and deaths or of the secretary and registrar of records or of any other person to any entry or certificate by this Act authorized or required to be made or given, shall be guilty of felony, and on conviction shall suffer such punishment by imprisonment, with or without hard labour, for any time not exceeding five years as the court before whom the conviction shall take place shall in its discretion impose.

Persons wilfully destroying or counterfeiting or forging records or extract or signatures to be guilty of felony.

No. 150, s. 26.

Penalty.

22. That every registrar of births and deaths shall be entitled to have and receive out of the public treasury of this Island, as full remuneration for the duties performed by him under this Act, the sum of one shilling for each registry of either births or deaths, and that the Registrar-General shall receive the sum of fifty pounds sterling *per annum* payable quarterly.

Remuneration to registrars.

23. And whereas registers of births, baptisms, deaths, and burials have been duly made and kept by ministers of the Christian religion not belonging to the Church of England and Ireland, and it is expedient that they should be receivable in evidence in all courts of justice in this Colony: Be it therefore enacted, That all registers and all copies thereof respectively, certified under the hand of the person for the time being having the lawful care of the same to be true copies, shall be and the same are hereby declared to be good evidence of such births, baptisms, and burials as aforesaid respectively, as fully as if such registers had been made and kept and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all courts and before all judges and magistrates.

Registers of births, baptisms, deaths, and burials kept by ministers of religion not of Church of England to be admitted in evidence.

24. All penalties imposed by this Act the means for the recovery of which are not herein-before specially provided for shall and may be sued for and recovered by any person who may sue and prosecute for the same before any two or more justices; and upon information or complaint made before any one justice he shall issue a summons requiring the party offending or complained against to appear at a time and place named therein, and every such summons shall be served on the party offending or complained against, or shall be left at his last known place of abode or of business; and if such party shall not appear accordingly, then upon proof of the due service of the summons any two of such justices may hear and determine the case in the absence of the party, or

Provision for recovery of penalties.

No. 169, ss. 33, 34.

if he appear upon proof of the offence, either by the confession of the party offending or complained against, or upon the oath of one or more credible witness or witnesses (and the justices are hereby authorized to summon and swear any witnesses who may be deemed necessary), it shall be lawful for such justices to convict the offender, and upon every such conviction to order offender to pay such penalty as is herein-before imposed; and if the monies and costs mentioned in such conviction be not paid immediately, or within the time limited in the order, it shall be lawful for the said two justices by warrant to cause the party offending to be committed to gaol, there to be imprisoned according to the discretion of such justices for any term not exceeding six months, unless such monies and costs be sooner paid and satisfied.

A.

No.	When Born.	Name if any.	Sex.	Name and Surname of Father.	Name and Maiden Name of Mother.	Complexion.	Rank or Profession of Father.	When Registered.	Signature of Registrar.	Baptismal Name if added after Registration of Birth.
1.	June 2nd.	John.	Boy.	Henry Martin.	Mary Martin, formerly Williams.	White.	Labourer.	June 10th.	John Cox, Registrar.	

B.

No.	When Died.	Name and Surname.	Sex.	Complexion.	Age.	Rank or Profession.	Cause of Death.	When Registered.	Signature of Registrar.
1.	July 4th.	John Thompson.	Male.	White.	Sixty.	Mariner.	Fever.	July 5th.	JOHN COX.

C.

I *A.B.* do hereby certify that I have this day baptized by the name of *C.D.* a male child produced to me by Thomas Styles as the son of Thomas and Charlotte Styles, and declared by the said Thomas Styles to have been born at _____ on the _____ day of _____ 185 .

Witness my hand this _____ day of _____ 185 .

No. 126.

AN ACT to establish an Infirmary and Hospital, to be called "The Holberton Hospital."

[Dated 3rd July; Left to its operation by Order in Council dated 22nd October 1856.]

Preamble.

Vide Act No. 67.

WHEREAS, in grateful remembrance of the exertions of the Venerable Archdeacon Robert Holberton, late rector of the parish of Saint John in this Island, for the relief and comfort of the suffering poor, and for the purpose of establishing on a more enlarged scale the public charity heretofore known as the Daily Meal Society, the beneficial results of which were mainly attributable to the benevolent exertions of the said Venerable Robert Holberton:

Be it enacted by the Governor, the Council, and the Assembly as follows:

1. That the said public charity, known as the Daily Meal Society, shall hereafter be called and designated "The Holberton Hospital." Daily Meal Society hereafter to be called "The Holberton Hospital." No. 97, s. 2.
2. That a dispensary shall be annexed to the said hospital, not only for the purpose of supplying medicaments for the use of the patients therein, but for affording such outdoor relief as is herein-after provided for. Dispensary to be annexed to hospital.
3. Repealed by No. 129, and other provisions substituted.
4. That the said board of directors shall frame rules and regulations for the good government of the said hospital and the preserving of order therein, and for all other matter of detail not provided for by this Act, and which said rules and regulations, on being confirmed by the Governor, Council, and Assembly, shall have the force and effect of law, and the said board of directors may from time to time alter and amend such rules and regulations, or frame new and additional rules and regulations, and the same on being confirmed as aforesaid shall have the force and effect of law. Directors to frame rules which when confirmed by Legislature to have effect of law.
5. That the said hospital shall be open to the reception of all persons, not otherwise provided for, who may be suffering from acute disease or serious injury by wound, fracture, or other cause, and to all sailors and other seafaring persons. Persons whom institution shall receive.
6. That such persons shall be admitted into the said hospital by a ticket of admission, under the hand of any member of the said board of directors, and any member of the said board may by order under his hand direct any medicament to be supplied for the use of any outdoor patient he may deem a fit object for relief. Mode of admission, &c. for patients.
7. That persons paying into the *Public Treasury of this Island* the annual subscriptions and donations mentioned in the table or schedule to this Act annexed, for which the Treasurer shall give a receipt, if the same be demanded, shall have the right of admittance to the said charity of (or to outdoor or indoor relief by the supply of medicaments to) such a number of persons as in the said table or schedule is respectively mentioned. No. 129, s. 3. Subscriptions and donations.
8. That the said board of directors shall make provision for the medical care of the patients in the said hospital and for the performance of all necessary surgical operations on such patients, and that the board of directors shall be at liberty to expend for such purposes any sum not exceeding one hundred pounds *per annum*. Directors to make provision for medical care, &c.
9. That the said board of directors shall employ, at a salary [of one hundred pounds] *per annum*, an efficient person to dispense the required medicaments, and to afford such aid and assistance to the patients in the said hospital as may be directed by the medical attendant, and the said person so employed as dispenser shall act as warden in the said hospital and preserve due order and discipline therein. Directors to employ competent dispenser. Dispenser to act as warden. 8 July 1864, No. 222, s. 3.
10. That the said board of directors shall nominate and appoint one competent person to be the matron of the hospital, who shall receive a salary not exceeding the sum of twenty-five pounds *per annum*, and the said directors shall also nominate and appoint such nurses, attendants, and servants as shall be necessary for attending on the patients in the said hospital, the expense for such purpose not to exceed the sum of one hundred pounds *per annum*. Directors to appoint competent matron at salary of 25*l.*, and such servants, &c. as they shall deem necessary.
11. Repealed, and new tonnage duties imposed by section 4 of Act No. 202.
12. Repealed.
13. That the sum of one thousand pounds in each and every year shall be placed at the disposal of the Governor for the support of the said hospital. 1,000*l.* per annum at disposal of Governor for support of hospital.

Monies to be paid by warrant of Governor on requisition from directors.

Directors to render to Legislature annual account.

14. That all monies to be expended under the provisions of this Act shall be paid from and out of the public treasury by warrant under the hand of the Governor, on a requisition to be forwarded to the Governor by the board of directors.

15. That the said board of directors shall once in every twelve months render to the Board of Council and House of Assembly an account of its receipts and expenditure under this Act for the preceding twelve months.

TABLE OF SHEDULE referred to in the foregoing Act.

Amount of Donation.	Amount of Annual Subscription.	Number of Patients to be admitted.	Number of outdoor Patients to be provided with Medicaments.
£	£		
10	—	2	2
5	—	1	1
—	3	1	1
—	2	—	2
—	1	—	1

HOLBERTON HOSPITAL REGULATIONS.—GENERAL RULES.

Patron.

1. That his Excellency the Governor, or officer for the time being administering the government, shall be the patron and visitor of the hospital, with power to visit at all times, and he shall have all powers belonging to a visitor according to law.

Weekly meeting of directors.

2. The board of directors shall meet at the hospital every Wednesday to inspect the wards and internal arrangements of the institution, to receive application for admission, and to take an account of all urgent cases which may have been admitted in the course of the week, to inquire into the expenditure of food and drugs, and, in short, to look carefully after the welfare of the institution.

Minute book.

Book of admissions, &c.

3. That a book shall be kept in which the minutes of the meeting of the directors shall be inserted, and another book in which shall be inserted on one page the name, age, occupation, and place of birth of each patient and the date of his admission, and on the opposite page the date of his discharge by death, recovery, or otherwise.

Visitors.

4. That the ministers of religion and gentlemen of the medical profession shall have free access to the hospital at all times, but any other persons who may be desirous of inspecting the institution or visiting a patient will be admitted only between the hours of 12 o'clock noon and 4 o'clock in the afternoon, except when furnished with a note from a director, which will entitle them to admission according to the time specified in such note.

Articles prohibited.

5. That no person shall be allowed to introduce any article into the hospital without the knowledge and approval of the dispenser or matron.

6. The use of tobacco, either by smoking or otherwise, shall not be allowed except by the express order of the surgeon.

7. That all acts of insubordination or misconduct committed by any of the patients or nurses shall be reported to the board of directors to be dealt with as the board may think fit. Misconduct of servants or patients.

8. That patients who are destitute of proper clothing shall be supplied with such at the expense of the institution, and when the patient is discharged such clothing shall be delivered to the matron, unless the directors shall permit the patient to retain it. Clothing.

9. That immediately on the death of a patient the body shall be removed to the dead house, and if not claimed by the relatives within 12 hours shall be buried at the expense of the hospital. Deaths.

10. That the surgeon shall attend daily at the hospital at 11 o'clock in the forenoon to visit all the indoor patients and to prescribe for such outdoor patients as may attend, and as much oftener as may be deemed necessary in urgent cases. Surgeon's duties.

11. That the dispenser shall act as clerk to the board of directors and surgeon and keep such books as they may direct. Dispenser's duties.

12. That he shall enter in a book provided for that purpose at the top of the page the name of each patient on his admission, with his number, age, occupation, duration of illness, and present symptoms.

13. That he shall keep all the medicines and instruments carefully, compound all the prescriptions, and superintend the nurses in the administration of the same, and that he shall take an inventory of the stock of medicines at least three times in the year.

14. That he shall visit all the patients every morning previous to the hour at which the surgeon attends, and note in the book before mentioned the effect of the medicine and the progress of the case.

15. That in dropsical cases he shall note the quantity of urine passed in 24 hours and test its acidity, specific gravity, and albuminosity, before the surgeon's visit.

16. That he shall visit the more urgent cases several times in the course of the day and see that the nurses do their duty.

17. That he shall visit every patient before going to bed at 9 o'clock and see that the lights are extinguished, except in cases of severe illness and surgical operations when a lamp may be required through the night.

18. That he shall assist the surgeon at the post-mortem examinations and note the appearances.

19. That he shall make a return of every death to the registrar, with the cause thereof, and also of every birth.

20. That he shall keep a book in which the names and diseases of the outdoor patients are recorded.

21. That he shall never leave the hospital for any lengthened period without permission of the surgeon or board of directors.

22. That he shall enter in a book all contributions in money, food, or clothing for the use of the hospital, with the name of the donor, which book shall be submitted to the directors at the weekly meeting.

23. That he shall lay before the weekly board an account of the expenditure of such articles of food, wine, or spirits, as may have been placed under his charge.

Matron's duties.

24. That the matron shall attend strictly to the preparation of the diet of the different patients and observe the utmost economy in the expenditure of all committed to her charge.

Nurses.

25. That the nurses and other servants of the institution shall keep the wards thoroughly clean by daily sweeping and frequent scouring and white-washing.

26. That the clothing and bedding of the patients shall be changed as often as may be necessary for the preservation of thorough cleanliness.

Chronic cases.

27. That no patients shall remain in the hospital longer than two months except under special sanction of the directors.

Outdoor patients.

28. That on the recommendation of a director outdoor patients may attend at the dispensary every morning at 11 o'clock to be prescribed for by the surgeon, such patients to be furnished with a ticket on the back of which the prescriptions will be written and the medicines supplied at the dispensary of the hospital.

DIETARY.

Meals.	Fever.	Low.	Half.	Full.	Common Drinks.
Breakfast	1 pint tea -	1 pint of tea -	1 pint milk porridge or tea.	1 pint of milk porridge or tea.	—
Dinner -	1 pint of water gruel, bread $\frac{1}{2}$ lb.	Broth or beef tea 1 pint, bread $\frac{1}{2}$ lb., meat $\frac{1}{2}$ lb. (to make broth), potatoes $\frac{1}{2}$ lb.	Meat $\frac{1}{2}$ lb., bread $\frac{1}{2}$ lb., broth 1 pint, potatoes, yams, or eddoes $\frac{1}{2}$ lb.	Meat $\frac{1}{2}$ lb., bread 1 lb., broth 1 pint, potatoes, yams, or eddoes 1 lb.	Toast and water, sugar and water, or lemonade.
Supper -	1 pint of tea	1 pint rice gruel	1 pint rice gruel	1 pint rice gruel	Barley or rice water.

The *fever* diet is adapted to such cases as will not allow of any excitement from animal food in the shape of broth or otherwise; extras therefore to this rate of diet are to be given with the same view, except in cases of early convalescence from febrile diseases and of such as are attended with great debility. The bread is for panado or toast and water.

It is to be considered a *general rule* that extras are to be ordered in addition to the fever diet. In particular cases, however, rice or bread pudding, sago, an increased quantity of bread or other similar articles, may be added to the low diet.

Milk diet is to be formed by the substitution of one pint of milk for tea, either in the fever or low diet, for breakfast or supper, or both, at the discretion of the prescribing medical officer.

The meat mentioned in the three first classes of diet is to be beef and mutton or chicken alternately, and the best pieces for making broth are to be selected.

In particular cases coffee may be ordered instead of tea.

The following proportions of articles are to be allowed for those parts of the above-mentioned diet to which they belong:—

Tea for one meal -	Tea $\frac{1}{2}$ ounce, sugar $\frac{3}{4}$ ounce, milk $\frac{1}{2}$ gill.
Coffee -	Coffee $\frac{1}{4}$ ounce, sugar $\frac{3}{4}$ ounce, milk 1 gill.
Milk porridge -	Oatmeal 1 $\frac{1}{2}$ ounce, milk 1 gill, salt $\frac{1}{2}$ ounce.
Rice gruel -	Rice 1 $\frac{1}{2}$ ounce, sugar $\frac{1}{2}$ ounce, milk 1 gill.
Water gruel -	Oatmeal 1 $\frac{1}{2}$ ounce, sugar $\frac{1}{2}$ ounce.

Broth - - -	Oatmeal $\frac{3}{4}$ ounce, barley $\frac{1}{2}$ ounce, salt $\frac{1}{2}$ ounce.
Sago for one allowance, or arrowroot	{ Sago 1 ounce, sugar $\frac{1}{2}$ ounce, water $\frac{3}{4}$ pint. Wine may be added at the discretion of the medical officer.
Rice pudding	
	{ Rice, 2 ounces.
	{ Egg 1 ounce, sugar 1 ounce, milk 1 pint, cinnamon 1 scruple.
Bread pudding	{ Bread (from the patient's allowance), 2 ounces, milk $1\frac{1}{2}$ gill, egg 1, a little salt and a few grains of ginger, butter $\frac{1}{4}$ ounce to smear the inside of the basin.

House of Assembly, 15th January 1857.

Approved,
(Signed) W. A. COULL, Speaker.

Council Chamber, 15th January 1857.

Approved,
By command,
(Signed) A. MUSGRAVE,
Clerk of Council.
17th January 1857.
Confirmed,
(Signed) K. B. HAMILTON.

No. 127.

AN ACT to provide for taking a Census of the Inhabitants of this Island.*
[Dated 6th September; Left to its operation by Order in Council dated 28th November 1856.]

No. 128.

AN ACT to authorize the Standing Committee for the Repair of Government House to give a new Direction to the Road leading from Newgate Street in front of Government House to the Eastward.

[Dated 6th September; Left to its operation by Order in Council dated 28th November 1856.]

WHEREAS it will much tend to the improvement of the Government House as a fit and suitable residence for the representative of Her Majesty in this Island if the public road to the northward thereof be further removed therefrom:

Preamble.

Be it therefore enacted by the Governor, the Council and Assembly, That the Standing Committee for the repair of Government House be authorized to turn the public road or highway from Newgate Street leading to the eastward immediately in front of the Government House so that the said road shall go

Committee for repair of Government House authorized to turn the direction of certain road, &c.

* The census taken under this Act on the 17th day of November 1856 showed a population of 35,408 persons, consisting of 16,624 males and 18,784 females.

round the public land to the northward of the Government House, and that so much of the public road as fronts the land attached and belonging to the Government House shall be included therein and form part thereof.

No. 129.

AN ACT to amend an Act, intituled "An Act to establish an Infirmary and Hospital, to be called the Holberton Hospital."

[Dated 6th September; Left to its operation by Order in Council dated 28th November 1856.]

No. 126.

WHEREAS it is enacted by the third section of an Act, intituled "An Act to establish an Infirmary and Hospital, to be called the Holberton Hospital," bearing date the third day of July one thousand eight hundred and fifty-six, that the Board of Directors therein named shall consist of nine members, and that certain of such members shall be appointed from such persons as shall have given such donation or shall have paid such annual subscription as therein mentioned:

And whereas it is enacted by the seventh section of the same Act that donations and subscriptions to the said hospital shall be paid into the public treasury:

And whereas it is necessary to amend the said Act in the particulars aforesaid:

Be it therefore enacted by the Governor, the Council and the Assembly, as follows:

Repeals 3rd clause of Act of 3rd July 1856, No. 126.

Appointment of Board of Directors.

Directors to elect treasurer, to whom subscriptions and donations to be paid instead of into public treasury.

1. That the said third clause of the said Act shall be and the same is hereby repealed.

2. That the said Holberton Hospital shall be placed under the direction of a board of directors, to consist of seven members to be nominated by the Governor, one of whom shall be a member of the Board of Council and three of whom shall be members of the House of Assembly, any three of which directors shall form a quorum for the transaction of business; and the Governor shall and may from time to time fill up any vacancies in the said board as they may occur from death, absence, or otherwise.

3. That the said board of directors, or a majority of the members present at any meeting thereof, shall elect a treasurer of the said charity by the said Act established, to whom shall be paid instead of the public treasury of this Island all subscriptions and donations made towards the purposes of the said Act.

No. 130.

Vide No. 23. & 15.

AN ACT to provide a Place in which the Courts may be holden and Public Business transacted when and so often as the State of the Court House shall make it requisite.

[Dated 25th February; Left to its operation by Order in Council dated 25th June 1857.]

Preamble.

WHEREAS it is requisite, when and so often as the state of the court house shall require it, that another place should be appointed for the holding the courts of justice and the transaction of public business until the same shall have been repaired:

Be it therefore enacted by the Governor, Council, and Assembly as follows, That from and after the passing of this Act it shall be lawful for the Governor or other officer administering the government, when and so often as the state of the court house shall require it, to appoint with the advice and consent of the Council and by proclamation under his hand and seal some fitting place or places within the city of Saint John in which the courts of justice and Houses of Legislature may hold their sittings and the Secretary and provost marshal keep their offices and the records appertaining to the same, and public business be transacted in the same manner as was heretofore wont to be done in the present court house, and until the same shall have been repaired; and to draw for all expenses incurred in providing such place or places by warrant out of the public treasury of this Island.

Governor with consent of Council by proclamation may appoint places to hold courts, &c. during repair of court house, and draw for expenses.

No. 131.

AN ACT to naturalize Lewis Delmail and Victor Guffroy.

[Dated 11th April; Confirmed by Order in Council dated 25th June 1857.]

WHEREAS Lewis Delmail and Victor Guffroy, natives of France, but at present and for some years past domiciled in Antigua, have by their petition to the three branches of the Legislature set forth the disadvantages and disabilities under which they labour as foreigners and have prayed to be naturalized:

Preamble.

And whereas it is expedient to encourage and promote the settlement of industrious foreigners in this Island by securing to them the fruit of their industry:

And whereas the said Lewis Delmail and Victor Guffroy respectively have taken the oath of allegiance before his Excellency the Governor-in-Chief, as appears by certificates which have been laid before the Council and Assembly:

Be it therefore enacted by the Governor and Council and Assembly, That from and after the allowance or confirmation of this Act by Her Majesty the said Lewis Delmail and Victor Guffroy respectively shall be and they are hereby thenceforward naturalized within the said Island of Antigua and shall be reputed and taken to be liege subjects of Her Majesty.

Naturalized from allowance of Act by Her Majesty.

No. 132.

AN ACT to amend the Law of Evidence.

[Dated 9th June; Left to its operation by Order in Council dated 27th No. 150, s. 26. August 1857.]

WHEREAS it is expedient to amend the law of evidence in divers particulars: Be it therefore enacted by the Governor, the Council and Assembly of Antigua, and it is hereby enacted by the authority of the same, as follows:

1. So much of section 1 of the Act passed by the Legislature of Antigua in the year one thousand eight hundred and fifty as provides that the said Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff, or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly

Recited proviso in Act of 4th April 1850, No. 109, repealed. 14 & 15 Vict. c. 99, s. 1. 16 & 17 Vict. c. 83, s. 4.

Parties to be admissible witnesses.

14 & 15 Vict. c. 99, s. 2.

Husbands and wives of parties to be admissible witnesses.

16 & 17 Vict. c. 83, s. 1.

Nothing herein to compel person charged with criminal offence to give evidence tending to criminate himself.

14 & 15 Vict. c. 99, s. 3.

16 & 17 Vict. c. 83, s. 2.

Not to apply to proceedings for adultery, &c.

14 & 15 Vict. c. 99, s. 4.

16 & 17 Vict. c. 83, s. 2.

Husband and wife not compellable to disclose communications.

16 & 17 Vict. c. 83, s. 3.

Not to extend to revenue cases.

18 & 19 Vict. c. 96, s. 36.

Not to repeal provisions in Act No. 29 relating to wills.

Court of Common Pleas or Court Merchant authorized to compel inspection of documents whenever equity would grant discovery.

14 & 15 Vict. c. 99, s. 6.

Power to court or judge to order production of documents.

17 & 18 Vict. c. 125, s. 50.

or in part, or the husband or wife of any such party or person respectively, is hereby repealed.

2. On the trial of any issue joined or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, the parties thereto and the persons in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed or defended, and the husbands and wives of the said parties and persons respectively, shall, except as herein-after excepted, be competent and compellable to give evidence, either *vivâ voce* or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

3. Nothing herein-before contained shall render any person who in any criminal proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

4. Nothing herein-before contained shall apply to any action, suit, or proceeding instituted in consequence of adultery, or to any action for breach of promise of marriage.

5. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

6. Nothing herein-before contained shall apply to any prosecution, suit, or other proceeding in respect of any offence or for the recovery of any penalty or forfeiture under any law now in force or hereafter to be made relating to the Customs or Inland Revenue.

7. Nothing in the said Act or in this Act contained shall repeal any provision relating to any will, codicil, or testamentary writing or instrument contained in the Act passed by the Legislature of Antigua in the year one thousand seven hundred and eighty-six, intituled "An Act for the Prevention of Fraud and "Perjury."

8. Whenever any action or other legal proceeding shall henceforth be pending in the Court of Common Pleas or *Court Merchant*, such court respectively or the judge thereof may, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding, and if necessary to take examined copies of the same in all cases in which previous to the passing of this Act a discovery might have been obtained by filing a bill or by any other proceeding in a court of equity at the instance of the party so making application as aforesaid to the said court or judge.

9. Upon the application of either party to any action, suit, or other civil proceeding in the Court of Common Pleas or *Court Merchant*, upon an affidavit by such party of his belief that any document to the production of which he is entitled, for the purpose of discovery or otherwise, is in the possession or power of the opposite party, it shall be lawful for the court or judge to order that the party against whom such application is made, or if such party is a body corporate that some officer to be named of such body corporate shall answer on affidavit stating what documents he or they has or have in his or their possession or

power relating to the matters in dispute, or what he knows as to the custody they or any of them are in, and whether he or they objects or object (and if so on what grounds) to the production of such as are in his or their possession or power, and upon such affidavit being made the court or judge may make such further order thereon as shall be just.

10. If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the court or judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person instead of being sworn to make his or her solemn affirmation or declaration in the words following:

‘ I *A. B.* do solemnly, sincerely, and truly affirm and declare that the taking of any oath is according to my religious belief unlawful, and I do solemnly, sincerely, and truly affirm and declare, &c.’ which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

11. If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws and statutes in force in this Colony are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

12. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall in the opinion of the judge prove adverse, contradict him by other evidence, or by leave of the judge prove that he has made at other times a statement inconsistent with his present testimony; but before such last-mentioned proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

13. If a witness upon cross-examination as to a former statement made by him relative to the subject matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

14. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the cause, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the judge at any time during the trial to require the production of the writing for his inspection, and he may thereupon make such use of it for the purpose of the trial as he shall think fit.

15. A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the clerk of the court or other officer having

Affirmation instead of oath in certain cases.
17 & 18 Vict. c. 125, s. 20.

Persons making false affirmation to be subject to same punishment as for perjury.
17 & 18 Vict. c. 125, s. 21.

How far a party may discredit his own witness.
17 & 18 Vict. c. 125, s. 22.

Proof of contradictory statements of adverse witness.
17 & 18 Vict. c. 125, s. 23.

Cross-examination to previous statements in writing.
17 & 18 Vict. c. 125, s. 24.

Proof of previous conviction of a witness may be given.
17 & 18 Vict. c. 125, s. 25.

the custody of the records of the court where the offender was convicted, (for which certificate a fee of five shillings and no more shall be demanded or taken,) shall, upon proof of the identity of the person, be sufficient evidence of the said conviction without proof of the signature or official character of the person appearing to have signed the same.

16. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and such instrument may be proved by admission or otherwise as if there had been no attesting witness thereto.

17. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

18. Any person who shall upon any examination upon oath or affirmation, or in any affidavit in proceedings under this Act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof shall be liable to the penalties of wilful and corrupt perjury.

19. The enactments contained in sections 10, 11, 12, 13, 14, 15, 16, 17, and 18 of this Act shall apply and extend to all courts of judicature, as well criminal as all others, and to all persons having by law or by consent of parties authority to hear, receive, and examine evidence.

20. And whereas it is expedient as far as possible to reduce the expense attendant upon the proof of criminal proceedings: Be it enacted, That whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of the conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the clerk of the court or other officer having the custody of the records of the court where such conviction or acquittal took place, that the paper produced is a copy of the record of the indictment, trial, conviction and judgment, or acquittal, as the case may be, omitting the formal parts thereof.

21. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no statute exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, or before any person now or hereafter having by law or by consent of parties authority to hear, receive, and examine evidence, provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the officer to whose custody the original is intrusted, and which officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same upon payment of a fee for the same of ninepence for every folio of ninety-six words.

22. If any officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable on conviction to imprisonment for any term not exceeding eighteen months.

23. Every court, judge, justice, officer, commissioner, arbitrator, or other person now or hereafter having by law or by consent of parties authority to hear,

Attesting witness need not be called except in certain cases.

17 & 18 Vict. c. 125, s. 26.

Comparison of disputed writing.

17 & 18 Vict. c. 125, s. 18.

False evidence how punishable.

17 & 18 Vict. c. 125, s. 89.

Sections 10 to 18 inclusive to apply to all courts of judicature.

19 & 20 Vict. c. 102, s. 98.

Where necessary to prove conviction or acquittal of person charged not necessary to produce record, but may be certified under hand of clerk of court.

14 & 15 Vict. c. 99, s. 13.

Examined or certified copies of documents admissible in evidence.

14 & 15 Vict. c. 99, s. 14.

Certifying a false document a misdemeanor.

14 & 15 Vict. c. 99, s. 15.

Court or person authorized to hear evi-

receive, and examine evidence is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

24. And whereas it is expedient to facilitate the proof of deeds and instruments in writing executed out of Her Majesty's dominions: Be it enacted, That conveyances, deeds, letters of attorney, and instruments in writing made in any place out of this Colony, not being part of the dominions of Her Majesty, Her heirs or successors, the due execution of which shall be proved by a subscribing witness by affidavit sworn before or which shall be acknowledged by the party or parties executing the same to be his, her, or their deed or act before any British consul-general, consul, vice-consul, acting consul, pro-consul, or consular agent for the time being resident at or near such place, and certified under his hand and seal of office, and annexed to the thing proved, shall be deemed to be as sufficiently proved as if the same witness were personally present and made such proof, or if such instrument in writing were acknowledged by such party before the Chief Justice or registrar of deeds of Antigua; provided that such deeds, letters of attorney, or written instruments, if concerning lands or tenements, be recorded in the registrar's office, and copies thereof certified by the registrar shall be admitted in evidence; but this section shall not apply to the probate of any will, codicil, or testamentary writing.

25. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall cause to be registered or tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be forged, false, or counterfeit, or shall tender in evidence any certified copy of any such document or of any other document which by any Act passed or to be passed by the Legislature of this Colony may be admitted in evidence, knowing the seal, stamp, or signature thereto, or to the document whereof the same purports to be a certified copy, to be forged, false, or counterfeit, he shall be guilty of felony and shall upon conviction be liable to imprisonment for any term not exceeding three years nor less than one year, with or without hard labour; and whenever any such document shall have been admitted in evidence by virtue of this or any other Act, the court or the person who shall have admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the court or other proper person for such period and subject to such conditions as to the said court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried, and if convicted sentenced, and his offence may be laid and charged to have been committed in Antigua.

26. Repeals clause of former Act.

27. All fees received by the Clerk of the Crown or Colonial Secretary under this Act shall be paid by him into the public treasury for the public uses of this Colony.

28. In citing this Act in other Acts of the Legislature of Antigua, or in any instrument, document, or proceeding, it shall be sufficient to use the expression "The Evidence Amendment Act."

dence may administer oaths.

14 & 15 Vict. c. 99, s. 16.

Deeds may be proved before British consuls.

6 Geo. 4. c. 87, s. 20. 18 & 19 Vict. c. 42.

Persons forging seal, stamp, or signature of certain documents or wilfully uttering the same guilty of felony. No. 150, s. 26.

Fees received by clerk of Crown or colonial secretary under this Act to be paid into treasury.

Short title of Act.

No. 133.

Vide No. 222, s. 3.

AN ACT to reorganize the Treasury Department.

[Dated 10th August; Left to its operation by Order in Council dated 24th September 1857.]

WHEREAS it is necessary to amend the laws at the time of the passing of this Act in force relative to the Treasury Department of this Island, and for such purpose it is deemed expedient to repeal the said laws and to consolidate the same in one Act, with such amendments as have been found necessary :

Be it therefore enacted by the Governor, Council, and Assembly of Antigua as follows :

1. Repeals two Acts.

Appointment of
Treasury Commis-
sioners.

2. It shall be lawful for the Governor to issue his commission to one member of Her Majesty's Council and three members of the House of Assembly, constituting them during the Royal pleasure Commissioners of the Treasury, and to fill up all vacancies as the same may arise from death, resignation, or otherwise ; and the said commissioners shall notwithstanding any dissolution of the House of Assembly continue in the execution of the powers and authorities in them vested, and if any commissioner appointed from the House of Assembly shall fail to be elected a member of the next House of Assembly he shall cease to be a commissioner, and it shall be lawful for the Governor to appoint another from the House of Assembly in his place and stead.

Three commissioners to
form board.

3. That any three of the said commissioners shall constitute a board for the purposes of this Act.

Commissioners to
make solemn declara-
tion before Governor.

4. That the said commissioners, before they shall enter upon the execution of the powers and authorities herein-after conferred upon them, shall make a solemn declaration before the Governor for the diligent and faithful performance of their duties.

Commissioners to
frame rules for
government of
treasury.

5. That it shall be the duty of the said commissioners with the least practicable delay to frame rules and regulations for the government of the Treasury and to submit the same to the Two Houses for approval, and when the same shall have been so approved and shall have been confirmed by the Governor, the said rules and regulations shall have the force and operation of law.

General duties of
commissioners.
No. 209.

6. That it shall be the further duty of the said commissioners to maintain an effective supervision of the treasury and the receipts and expenditure thereof, and to ascertain that the rules and regulations of the department be faithfully observed and carried out, and they shall accordingly have authority at all times to institute inquiries and to inspect books, vouchers, and documents, and it shall be obligatory upon the said commissioners to report specially any malversation in office or any violation of the prescribed rules and regulations and generally as to the administration of the department quarterly for the information of the Governor and the Two Houses.

On requisition of
commissioners Gov-
ernor may issue
warrant for contingent
expenses of depart-
ment.

7. That it shall be lawful for the Governor upon the requisition of the said Commissioners to issue his warrant to the Treasurer for the payment of all expenses that may be incurred for the rent of a suitable building or buildings for the purpose of the Treasury, for the purchase of a suitable boat for the use of the department and the employment of an efficient crew, and for the purchase of suitable furniture, chests, desks, fittings, books, stationery, and other requirements of the department.

Her Majesty may
appoint officers
named.

8. That it shall be lawful for Her Majesty, Her heirs and successors, to appoint the following officers for performing the duties and business of the said department ; that is to say, a treasurer, who shall perform his duties in person

and not by deputy, an accountant, a clerk, a landing surveyor, and three landing waiters: Provided always, that no person shall be eligible for the offices of Treasurer, accountant, or landing surveyor, who shall not have attained the age of twenty-one years, and for the offices of clerk and landing waiter, who shall not have attained the age of nineteen years, and such officers shall hold their respective places during the Royal pleasure.

9. That the Treasurer, the accountant, and the clerk shall severally enter into bond with two sufficient sureties, to be approved of by the Governor in Council, or the Lords Commissioners of Her Majesty's Treasury, to Her Majesty, Her heirs and successors, for the faithful discharge of their several duties, and for rendering a just and true account of all monies which shall come into their hands by virtue of their several offices, and to pay the same over when thereunto required by competent authority, the principals in double the amount of their respective salaries, and the sureties in the amount of the salary of their respective principals, and the landing surveyor and the three landing waiters shall severally enter into bond with two sufficient sureties, to be approved of by the Governor, or the Lords Commissioners of Her Majesty's Treasury, to Her Majesty, Her heirs and successors, for the faithful discharge of their several duties, the principals in the amount of their respective salaries, and the sureties in one moiety of the salary of their respective principals; and in the event of the death or insolvency of any surety, the officer for whom such surety was bound shall enter into a similar bond with another good and sufficient surety in the place and stead of the surety so dying or becoming insolvent circumstances, so that there may always exist for every officer a bond with two good and sufficient sureties as aforesaid, which said bonds the said Commissioners shall deposit for record with the registrar of deeds, and when the same shall be recorded shall deliver the same for safe keeping to the Secretary: Provided always, that a certified copy of any such bond under the hand of the registrar of deeds shall be legal evidence of the original bond.

Provisions as to securities to be given by the several officers.

10. That the said Treasurer and other the officers of the Treasury shall give their services exclusively to the duties of their several offices, shall not be eligible to serve as members of Council or of the House of Assembly, and shall be exempt from serving on juries.

Officers to give their services exclusively to the duties of their several offices.

11. That the following salaries shall be payable monthly on the requisition of the Commissioners of the Treasury, and the warrant of the Governor thereupon to the Treasurer, and to the several officers of the department, in full compensation for their respective services; that is to say, viz.:

Salaries.

To the Treasurer, five hundred pounds *per annum*:

To the accountant, three hundred pounds *per annum*:

To the clerk, one hundred and fifty pounds *per annum*:

[To the assistant-clerk, eighty pounds:

To the third clerk, eighty pounds:

To John Shervington, Esquire, so long as he shall continue to fill the situation of landing surveyor, two hundred and fifty pounds:]

To the landing surveyor, two hundred pounds *per annum*:

To each landing waiter, one hundred pounds *per annum*.

No. 222, s. 3, 8th July 1864.

12. That the Treasurer shall publish in the official gazette, or newspaper used for the publication of official notices, an account of the receipts and payments at the Treasury department, in such manner and at such times as shall be directed by the Governor.

Treasurer to publish accounts of department when required by Governor.

13. That the Treasurer and other officers of the Treasury department shall in nowise directly or indirectly trade, traffic, deal, or act as merchants, traders, factors, or agents.

Officers of department not to trade.

Penalties, &c. by virtue of any Act not otherwise payable to be paid to Treasurer for use of the Colony.

Rules now in force to continue until altered or rescinded.

14. All monies, forfeitures, and penalties payable to Her Majesty, Her heirs and successors, by virtue of any Act passed or to be passed, the application of which is not otherwise directed, shall be paid to the Treasurer for the public uses of the Colony.

15. All rules and regulations now in force for the government of the Treasury department shall continue and be and remain in full force and effect until altered or rescinded by some new or other rule to be framed under the authority of this Act.

BY AUTHORITY.

RULES and REGULATIONS for the Government of the TREASURY DEPARTMENT.

The following Rules for the government of the Treasury Department, being approved by the Two Houses of Legislature and confirmed by the Governor-in-Chief, are published for general information.

In-door Department.

1. The Treasurer, the accountant, and clerk shall give daily attendance at the Treasury, Sundays and holidays excepted, at 10 o'clock in the morning, and shall enter their names and the time of their appearance in the sheet kept for that purpose, and at the end of every day's business shall enter the hour of their departure; and if the accountant or clerk be precluded from attendance through sickness or otherwise he shall report to the Treasurer his inability to attend, and if the Treasurer in like manner be precluded from attendance he shall report to the accountant his inability to attend.

2. All calculations of duties shall be checked by one or other of the officers of the department, and the money shall then be received by the clerk, and at the end of each day shall be paid over to the Treasurer and accountant.

3. That all monies otherwise than those deposited at the bank shall be kept in the iron chest to be provided for such purpose, and of which chest the Treasurer and accountant shall each keep a separate key.

4. The Treasurer and accountant shall each keep a cash book in which shall be entered all sums of money received and paid away, which cash books shall be balanced at the end of each day and signed by the Treasurer and accountant respectively.

5. All monies above one hundred pounds shall be lodged as soon as practicable in the bank in the joint names of the Treasurer and accountant and drawn upon by the joint cheques of the Treasurer and accountant, and in the event of the sickness of either of them by the landing surveyor in place of the officer so sick.

6. In the case of the sickness of the Treasurer liquor licences and other documents requiring his signature shall be signed by the accountant.

7. It shall be the duty of the Treasurer to maintain a general supervision of the officers of the department with a view to the effective performance of their several duties, to keep the office journal and ledger, and to regulate the routine business of the office; and it shall be the duty of the accountant to keep the tariff, tonnage, powder duty, and lockers' warehouse books, and to prepare the public accounts under the supervision of the Treasurer; and of the clerk to keep the record book and second warehouse book, to make out the record tax accounts, and to render general assistance to the Treasurer and accountant.

8. That the public accounts shall be made up quarterly to the 31st of March, the 30th of June, the 30th of September, and the 31st of December inclusively

Out-door or Landing Department.

1. The landing surveyor and landing waiters shall give daily attendance at the Treasury, Sundays and holidays excepted, at 7 o'clock in the morning, and enter their names and the time of their appearance in the sheet kept for that purpose, and at 4 o'clock in the afternoon again enter their names, unless engaged at that hour in discharging boats which had previously reached the wharf, or in the performance of any other duty, and in the event of their sickness report the same to the Treasurer.

2. On the arrival of any vessel the landing surveyor shall repair on board to ascertain her cargo, the nature of her voyage, and every other necessary particular, an account of which shall be entered in a book to be by him kept for such purpose. He shall also board and examine vessels in port from time to time as occasion may require.

3. On the entry of each vessel at the Treasury a copy of her manifest shall be furnished by the Treasurer to the landing surveyor, who shall enter the same in a suitable book to be called the "cargo book" to be by him kept for such purpose, and when a warrant shall have passed the Treasury two copies thereof shall be sent to the landing surveyor, one of which he shall enter on the contrary side of his cargo book in order to show the discharge of each vessel, and the other copy of which, with a blue book, shall be passed to the landing waiter in charge of the said vessel, and when the entire cargo shall have been accounted for by duties paid, articles bonded, or cleared outwards, the landing surveyor shall certify and report the same to the Treasurer, retaining in his office the manifest, warrants, and blue books belonging thereto.

4. Whenever it shall appear that there are any packages in a vessel which have not been reported, or any difference in the report thereof, the landing surveyor shall state the fact without loss of time to the Treasurer for his consideration and directions, and shall note his having done so on the copy of the report.

5. Although the principal object of the appointment of waterside officers is to superintend the landing and examination of goods and to perform other out-door duties connected with the enforcement of the revenue laws, they shall, nevertheless, when not so engaged afford the Treasurer such assistance as he may from time to time require in order that the current business and accounts of the department may not fall into arrear.

6. The waterside officers shall accurately examine all packages landed by bill of sight so as to ascertain the contents, and will take care that all goods intended to be warehoused, and that the description of the goods be as particularly set forth in the warrant for warehousing, as when the duties are paid before the landing thereof.

7. All necessary despatch and accommodation shall be given to the business of the merchants consistent with the safety of the revenue, observing that each individual is to be attended to in his proper turn and that no undue preference be shewn.

8. When required by the Treasurer, the respective officers are to superintend and take account of all seizures, whether made by the party himself or by any other person having authority so to do.

9. The landing waiters on receiving a warrant from the surveyor for the warehousing of goods, together with a red book, shall enter the particulars therein, and a short copy of the total quantity of such goods is to be transcribed into the blue book which contains the particulars of the goods discharged by prime and post entries at landing, and as each landing waiter shall have the warehousing

and releasing from bond of all goods landed from the vessel assigned to his charge he shall deliver the said red book to the surveyor to be checked by him.

10. The landing surveyor shall from time to time visit the bonded warehouses to see that the landing waiters duly execute the duties required of them, and shall with their assistance, at the end of every month, prepare and deliver to the Treasurer a return of the contents of each respective warehouse.

General.

Recited Act repealed
by No. 133.

Recited Act repealed
by No. 191 ; vide pro-
visions in that Act.

1. All officers of the department duly appointed under the authority of an Act, entitled "An Act to reorganize the Treasury Department and to establish an efficient System for the Collection of the Revenues of this Island," shall *ex-officio* possess the power to seize all vessels, boats, goods, and chattels whatsoever liable to forfeiture in the same manner as persons holding the Treasurer's commission for that purpose, under the 23rd clause of an Act, entitled "An Act to repeal an Act, entitled 'An Act to amend and consolidate the several Laws 'at present in force for laying Duties on Goods, Wares, and Merchandise imported into this Island,' together with another Act entitled 'An Act to alter and amend an Act, entitled an Act to amend and consolidate the several Laws 'at present in force for laying Duties on Goods, Wares, and Merchandise imported into this Island, and to make other Provisions in relation to Duties on 'Goods, Wares, and Merchandise imported into this Island,' and each and any of the said officers may proceed under the authority of a writ of assistance in the same manner as the Treasurer is authorized to do by the 25th clause of the said last-mentioned Act.

2. No fee or reward shall be received by any officer of the department without the sanction of the Commissioners of the Treasury on pain of dismissal.

3. All goods entered to be warehoused are without fail to be conveyed to the warehouse on the day on which they are landed, and the landing waiters are therefore not to permit a greater quantity of such goods to be landed on any day than can be examined and received into the warehouse within the usual hours of business.

No. 191, s. 15.

4. On application for samples of goods warehoused, moderate samples shall be permitted to be taken of such goods without entry and without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity.

5. As great inconvenience would arise to the public service from the release of single packages of goods from bond which are chargeable only with a trifling rate of duty, the following quantities of the several articles specified shall be the smallest deliverable from the warehouses for consumption or exportation :

Consumption.				Exportation.
Flour or bread	-	10 barrels	- - -	5 barrels.
Beef or pork	-	5 "	- - -	2 "
Candles, tallow	-	20 boxes	- - -	5 boxes.
Ditto, sperm	-	120 lbs.	- - -	60 lbs.
Pickled fish	-	20 barrels	- - -	10 barrels.
Dried fish	-	10 hogsheads or tierces	-	5 hds. or tierces.
Meal	-	20 barrels	- - -	10 barrels.
Rice	-	20 bags	- - -	10 bags.
Soap	-	400 lbs.	- - -	200 lbs.

and of other descriptions of provisions in proportion. Of wines, spirits, tobacco, malt, dry goods, or of any article intended for ship's stores, a single unbroken package, however small, shall always be delivered.

6. All goods, wares, and merchandise which shall be landed from any of the ships or vessel of the Royal Mail Steam Packet Company shall be delivered with the accompanying cockets into the hands of the agent to the said company at English Harbour, who is hereby authorized to detain the said goods until the same shall be conveyed to St. John's by the contractor for carrying the mails, in whose possession they shall remain until due entry shall be made thereof, and the duties thereon shall be paid; but it shall nevertheless be competent for any importer of goods to transport the same from English Harbour to any part of the Island, and the agent to the said company is hereby authorized to deliver the same upon the production of the Treasurer's receipt for the duties chargeable thereon. No. 191, s. 6.

7. The masters of all droghers carrying goods transhipped from other vessels shall previously to their departure produce their pass book at the Treasury or to the landing surveyor, agreeably to the practice which was formerly enforced at the Customs department.

8. The Treasury boat, although under the more particular charge of the landing surveyor, shall be available for the public service by the respective officers of the department.

(Signed) W. LEE.
WM. THIBOU.
L. L. HODGE.
J. B. LOWRY.

House of Assembly, 26th August 1852.

Approved,
(Signed) OLIVER NUGENT,
Speaker.

Council Chamber, 26th August 1852.

Approved,
By command,
(Signed) JOHN LANE,
Acting Clerk of Council.

Approved and confirmed, 27th August 1852.
(Signed) R. J. MACKINTOSH.

No. 134.

AN ACT to authorize the Appointment of certain Commissioners, to be called Commissioners of Education, to aid and assist in the Establishment and Maintenance of Schools, and for the Promotion of Education generally.

[Dated 10th August; Left to its operation by Order in Council dated 4th November 1857.]

WHEREAS the education of the rising generation is an object of paramount political and religious importance: Be it therefore enacted by the Governor, the Council and Assembly of Antigua, as follows:

1. That it shall be lawful for the Governor to issue his commission constituting a board of commissioners, to consist of seven persons, one of whom shall be a member of Council and three of whom shall be members of Assembly (any three Appointment of commissioners.

of which seven members shall form a quorum), who shall be called "Commissioners of Education," and shall hold their office during the pleasure of the Governor, with power to him from time to time to fill up vacancies, as the same may arise from death, absence, or otherwise.

Governor may draw on treasury 1,000*l.* per annum for purposes of Act.

2. That it shall be lawful for the Governor for the purposes of this Act to draw upon the Treasurer for the sum of one thousand pounds *per annum*, to be paid in advance or otherwise (on the requisition of the commissioners) by even quarterly payments.

Appointment of inspector.

3. That it shall be lawful for Her Majesty, Her heirs and successors, to appoint an inspector, who shall act as clerk to the board; he shall hold his office during the Royal pleasure and receive a salary not exceeding two hundred pounds *per annum*, payable quarterly, out of the one thousand pounds.

Duties and power of commissioners.

4. That it shall be the duty of the commissioners to meet monthly, or oftener if necessary, for the transaction of general business, to keep a record of their proceedings, to receive applications for aid by or on behalf of any scholastic establishment at which the pupils shall be educated in the Christian religion in which the average number of scholars in actual attendance at such scholastic establishment shall not be less than twenty, to inquire into the merits of such applications, and to award, if they shall think fit, a grant in aid not exceeding the amount actually raised from the pupils of the said school or other contributions to the funds thereof and expended in the maintenance of the said school: Provided always, that the said commissioners may, according to the exigency of the case and in the exercise of their judgment and discretion, make special grants, irrespective of the amount raised by pupils or otherwise, towards the erection or repair of buildings, the procuring and encouragement of masters, the purchase of books, maps, and apparatus, and the maintenance at any school in the Island of any pupils who shall be deemed worthy of special aid and advancement.

Commissioners may establish normal school.

5. That it shall be lawful for the said commissioners to establish a normal school or normal schools, to be conducted under their order and direction.

Commissioners to prescribe duties of inspector, to visit schools, and to present annual report.

6. That the said commissioners shall prescribe the duties of the said inspector and frame rules and regulations in relation thereto, and shall receive and consider the special reports of the said inspector; and it shall be the duty of the said commissioners, as well as the inspector, to visit from time to time, as to them shall seem requisite or expedient, any school or schools receiving aid under the provisions of this Act, and to draw up and present to the Governor once in each year, for the information of the Houses of Legislature, full and detailed reports in relation to the establishment, discipline, and progress, or otherwise, of the same, and of the proceedings generally throughout the year.

Grants by commissioners subject to approbation of the Governor.

7. That all grants and disbursements of money whatsoever shall be made by the said commissioners, subject always to the approbation of the Governor.

Act in force for three years.
Continued by No. 160 for five years from 3rd August 1860.

8. That this Act shall be in force for three years from the date hereof.

No. 135.

AN ACT for further improving the Administration of Criminal Justice.

[Dated 8th September 1857; Left to its operation by Order in Council dated 3rd February 1858.]

No. 150, s. 26.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case: And whereas such technical strictness may safely be relaxed

in many instances so as to ensure the punishment of the guilty without depriving the accused of any just means of defence: And whereas a failure of justice often takes place in criminal trials by reason of variances between writings produced in evidence and the recital or setting forth thereof in the indictment or information and the same cannot now be amended at the trial except in cases of misdemeanor, and a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the indictment on which the trial is had and the proof of names, dates, matters, and circumstances therein mentioned not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence: Be it therefore enacted by the Governor, the Council and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows: Whenever any variance or variances shall appear between any matter in writing or in print produced in evidence and the recital or setting forth thereof in the indictment whereon the trial is pending, it shall and may be lawful for the court before which such trial shall be had, if such court shall see fit so to do, to cause the indictment for any offence whatever to be forthwith amended in such particular or particulars by some officer of the court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance or variances had appeared.

11 & 12 Vict. c. 46,
s. 4.

The court may amend
indictments in case of
certain variances
between written
evidence and indict-
ment.

2. Whenever on the trial of any indictment for any felony or misdemeanor there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof in the name of any city, parish, town, or place mentioned or described in any such indictment, or in the name or description of any person or persons or body politic or corporate therein stated or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein, or in the name or description of any person or persons or body politic or corporate therein stated or alleged to be injured or damaged or intended to be injured or damaged by the commission of such offence, or in the christian name or surname or both christian name and surname or other description whatsoever of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended, according to the proof, by some officer of the court or other person, both in that part of the indictment where such variance occurs and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury as such court shall think reasonable, and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects and with the same consequences both with respect to the liability of witnesses to be indicted for perjury and otherwise as if no such variance had occurred; and in all such cases the order for the amendment shall either be endorsed on the indictment or shall be engrossed on paper and filed together with the indictment among the records of the court: Provided that in all such cases where the trial shall be so postponed as aforesaid it shall be lawful for such court to respite the recognizances of the prosecutor and witnesses, and of the defendant and his surety or sureties, if any, accordingly; in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and

14 & 15 Vict. c. 100,
s. 1.

The court may amend
certain variances not
material to the merits
of the case, and by
which the defendant
cannot be prejudiced
in his defence.

And may either pro-
ceed with or postpone
the trial to be had
before the same or
another jury.]

the defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute or give evidence at the time and place to which such trial shall have been so postponed: Provided also, that where any such trial shall be to be had before another jury the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first jury was sworn.

3. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

Sections 4 to 7 inclusive repealed.

8. In any indictment for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

9. In any indictment for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

10. In all other cases wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

11. From and after the passing of this Act it shall be sufficient in any indictment for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, to allege that the defendant did the act with intent to defraud without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

12. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences and not with the actual commission thereof: For remedy thereof be it enacted, That if on the trial of any person charged with any felony or misdemeanor it shall appear to the jury upon the evidence that the defendant did not complete the offence charged but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as

14 & 15 Vict. c. 100,
s. 2.
Verdicts and judgments valid after amendments.

14 & 15 Vict. c. 100,
s. 5.
Forms of indictment in cases of forgery, and uttering, stealing, and embezzling, or obtaining by false pretences.

14 & 15 Vict. c. 100,
s. 6.
In engraving plates, &c.

14 & 15 Vict. c. 100,
s. 7.
In other cases.

14 & 15 Vict. c. 100,
s. 8.
Intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering, or false pretences.

14 & 15 Vict. c. 100,
s. 9.
A party indicted for felony or misdemeanor may be found guilty of an attempt to commit the same, and shall be liable to the same consequences as if charged with and convicted of the attempt only. No person so tried to be

if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the said indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

Sections 13 and 14 repealed.

15. If upon the trial of any person for any misdemeanor it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which such trial may be had shall think fit in its discretion to discharge the jury from giving any verdict upon such trial and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Sections 16 to 23 repealed.

24. In every indictment in which it shall be necessary to make any averment as to any money or any note of the Bank of England or any other bank, it shall be sufficient to describe such money or bank note simply as money without specifying any particular coin or bank note, and such allegations so far as regards the description of the property shall be sustained by proof of any amount of coin or of any bank note, although the particular species of coin of which such amount was composed or the particular nature of the bank note shall not be proved, and in cases of embezzlement and obtaining money or bank notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank note, or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to any other person, and such part shall have been returned accordingly.

25. It shall and may be lawful for the Chief Justice or the judges or judge of any superior court of common law or equity, or for any of Her Majesty's justices or commissioners of assize, oyer and terminer, or gaol delivery, or for any judge of any court of record, or for the puisne justice or any judge of any court of complaints, or for any justices of the peace in special or petty sessions, in case it shall appear to him or them that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, deposition, examination, answer, or other proceeding made or taken before him or them, to direct such person to be prosecuted for such perjury in case there shall appear to him or them a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next session of the Court of Queen's Bench, or oyer and terminer, or gaol delivery, unless such person shall enter into a recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person at such next session, and that he will then surrender and take his trial and not depart the court without leave, and to require any person he or they may think fit to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid: Provided always, that no such direction shall be given in evidence upon any trial to be had against any person upon a prosecution so directed as aforesaid.

26. In every indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance

afterwards prosecuted for the same.

14 & 15 Vict. c. 100, s. 12.
Person tried for misdemeanor not to be acquitted if the offence turn out to be a felony, unless the court so direct.

14 & 15 Vict. c. 100, s. 18.
Coin and bank notes may be described simply as money.

14 & 15 Vict. c. 100, s. 19.
Any court, judge, justice, &c. may direct a person guilty of perjury in evidence, &c. to be prosecuted and commit the party, unless he enter into recognizance to appear and take his trial, and bind persons to give evidence.

14 & 15 Vict. c. 100, s. 20.
Simplifying indictments for perjury and other like offences.

of the offence charged upon the defendant, and by what court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding, either in law or in equity, and without setting forth the commission or authority of the court or person before whom such offence was committed.

14 & 15 Vict. c. 100,
s. 21.
As to form of indict-
ments for subornation
of perjury and other
like offences.

27. In every indictment for subornation of perjury or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner herein-before mentioned, and then to allege that the defendant unlawfully, wilfully, and corruptly did cause and procure the said person the said offence in manner and form aforesaid to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things herein-before rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

14 & 15 Vict. c. 100
s. 22.
On trials for perjury
and subornation a
certificate of the trial
of the indictment on
which the perjury
was committed suffi-
cient evidence of such
trial.

28. A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanor purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where such indictment was tried shall, upon the trial of any indictment for perjury or subornation of perjury be sufficient evidence of the trial of such indictment for felony or misdemeanor, without proof of the signature or official character of the person appearing to have signed the same.

14 & 15 Vict. c. 100,
s. 23.
Venue in the margin
sufficient except
where local descrip-
tion is necessary.

29. It shall not be necessary to state any venue in the body of any indictment, but the word "Antigua" named in the margin thereof shall be taken to be the venue for all the facts stated in the body of such indictment; provided that in cases where local description is or hereafter shall be required, such local description shall be given in the body of the indictment.

14 & 15 Vict. c. 100,
s. 24.
What defects shall not
vitiate an indictment.

30. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of "against the form of the statutes" or *vice versa*, nor for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil is not of the essence of the offence.

31. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken by demurrer or motion to quash such indictment before the jury shall be sworn and not afterwards, and every court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be forthwith amended in such particular by some officer of the court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

14 & 15 Vict. c. 100,
s. 25.
Formal objections to
indictments shall be
taken before the jury
are sworn.
Court may amend any
formal defect.

32. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any session of the peace, session of oyer and terminer, or session of gaol delivery: Provided always, that if the court, upon the application of the person so indicted or otherwise, shall be of opinion that he ought to be allowed a further time, either to prepare for his defence or otherwise, such court may adjourn the trial of such person to the next subsequent session, upon such terms as to bail or otherwise as to such court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend, to prosecute and give evidence at such subsequent session, without entering into any fresh recognizance for that purpose.

14 & 15 Vict. c. 100,
s. 26.
Provision as to tra-
versing indictments.

33. In any plea of autrefois convict or autrefois acquit it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

14 & 15 Vict. c. 100,
s. 28.
Provision as to pleas
of autrefois convict
or acquit.

34. Whenever any person shall be convicted of any one of the offences following as an indictable misdemeanor; that is to say, any cheat or fraud punishable at common law, any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice, any escape or rescue from lawful custody on a criminal charge, any public and indecent exposure of the person, any public selling or exposing for public sale or to public view of any obscene book, print, picture, or other indecent exhibition, it shall be lawful for the court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

14 & 15 Vict. c. 100,
s. 29.
Punishment for
certain indictable
misdemeanors.

Sections 35 and 36 repealed.

37. If upon the trial of any indictment for any felony except murder or manslaughter, where the indictment shall allege that the defendant did cut, stab, or wound any person, the jury shall be satisfied that the defendant is guilty of the cutting, stabbing, or wounding charged in such indictment, but are not satisfied that the defendant is guilty of the felony charged in such indictment, then and in every such case the jury may acquit the defendant of such felony and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for the misdemeanor of cutting, stabbing, or wounding.

14 & 15 Vict. c. 19,
s. 5.
On the trial of any
indictment for felo-
niously cutting, &c.
the jury may acquit
of the felony and
convict of unlawfully
cutting, &c.

Sections 38 to 40 repealed.

41. And whereas humanity requires that persons charged with capital offences not having means to provide counsel for their defence should be allowed counsel: Be it enacted, That on or before the arraignment or trial of any person for any felony punishable with death, if such person shall upon oath declare or it shall otherwise be made to appear to the court that he hath not means wherewith to retain counsel, it shall be lawful for the court to assign any counsel chosen by such person or appointed by the court to defend such person on his trial, and the expense incurred in the defence of such person not exceeding ten pounds, to be allowed by the court, shall be paid out of the public treasury on

Counsel may be
assigned by the court
at the public expense
to destitute prisoners
charged with capital
crimes.

6 & 7 W. 4. c. 111.
A previous conviction not to be given in charge or read to the jury until after the finding of a subsequent felony, except when evidence as to good character is given.

14 & 15 Vict. c. 19, ss. 11, 13.
Any person may apprehend persons committing indictable offence in the night.

14 & 15 Vict. c. 19, s. 12.
Person assaulting a person entitled to apprehend him to be guilty of a misdemeanor.

Fees received by Colonial Secretary under this Act to be paid into treasury.

Governor in Council may direct male prisoners liable to hard labour to be employed within or without the gaol.

14 & 15 Vict. c. 100, s. 30.
Interpretation of terms.

the certificate of the Clerk of the Crown or some officer of the court before which the trial shall be had on the warrant of the Governor.

42. It shall not be lawful on the trial of any person for any subsequent felony to charge the jury to inquire concerning the previous conviction of such person until after they shall have inquired concerning such subsequent felony and shall have found such person guilty of the same; and whenever in any indictment such previous conviction shall be stated, the reading of such statement to the jury as part of the indictment shall be deferred until after such finding as aforesaid: Provided nevertheless, that if upon the trial of any person for any such subsequent felony as aforesaid such person shall give evidence of his good character, it shall be lawful for the prosecutor in answer thereto to give evidence of the indictment and conviction of such person for the previous felony, before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction for felony at the same time that they inquire concerning the subsequent felony.

Sections 43 and 44 repealed.

45. And whereas doubts have been entertained as to the authority to apprehend persons found committing indictable offences in the night: Be it enacted, That it shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable offence in the night, and to convey him or deliver him to some constable or other peace officer in order to his being conveyed as soon as conveniently may be before a justice of the peace, to be dealt with according to law, and the time at which the night shall commence and conclude shall for the purposes of this Act be deemed the same as in cases of burglary.

46. If any person liable to be apprehended under the provisions of this Act shall assault or offer any violence to any person by law authorized to apprehend or detain him, or to any person acting in his aid and assistance, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding eighteen months.

47. All fees received by the Clerk of the Crown or Colonial Secretary under this Act shall be paid by him into the public treasury for the public uses of the Colony.

48. Repeals a former Act.

49. It shall be lawful for the Governor by order in council from time to time to direct that prisoners sentenced or liable to imprisonment with hard labour shall be kept to hard labour in the breaking of stones, or upon the streets or roads, or any other description of public work, within or without the walls of the gaol, and all rules and regulations made or to be made by the Governor in council under the authority of the Act of Parliament, intituled "An Act for the better Government of Prisons in the West Indies," shall apply to all prisoners, not only while actually in the common gaol but when working beyond such gaol, and whilst being taken from such gaol to be employed on any such work, and whilst being carried back to such gaol: Provided always, that none but male prisoners shall be employed beyond the walls of the common gaol.

50. In the construction of this Act the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as indictment, and also any "plea," "replication," or other pleading, and the terms "finding of the indictment" shall be understood to include the taking of an inquisition, the exhibiting of an information, and the making a presentment; and whenever in this Act in describing or referring to any person, or party, matter, or thing, any word importing the singular number or masculine gender

is used the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, and the word property shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or in respect to which any offence may be committed.

Sections 51, 52, and 53 repealed.

54. If any person shall forge any copy of the acknowledgment or registration of any deed or writing, or any certificate of the registration of any deed or writing, or any certificate which the registrar of deeds or wills, or the Secretary of this Island, by any Act passed or to be passed, is or shall be authorized to make or grant, every such offender shall be guilty of felony, and shall upon conviction be liable to imprisonment for any time not exceeding three years nor less than one year, with or without hard labour.

Punishment for forgery of acknowledgment or certificate of registration, &c.

55. The Act of the Leeward Islands passed in the year 1694, intituled "An Act for ascertaining the Value of foreign Coin in the Caribbee Leeward Islands," shall henceforth cease and be no longer in force in this Island.

Act No. 12 of the Leeward Islands no longer in force in this Island.

56. Repealed.

57. It shall be lawful for Her Majesty, Her heirs or successors, to extend the Royal mercy to any person imprisoned for any offence by virtue of any Act passed or to be passed by the Legislature of this Colony, although he shall be imprisoned for the nonpayment of money to some person other than Her Majesty, Her heirs and successors.

7 & 8 Geo. 4. c. 29, s. 69.

22 Vict. c. 32.

Royal mercy may be extended to persons imprisoned for offences, although imprisoned for nonpayment of money to parties other than the Crown.

No. 136.

AN ACT to indemnify all Persons for anything by them done in suppressing or endeavouring to suppress the Riots that occurred in the City of Saint John between the 25th Day of March last past and the 2nd Day of this present Month of April, and in arresting and confining Persons concerned or supposed to be concerned therein.

[Dated 13th April; Left to its operation by Order in Council dated 31st July 1858.]

BE it enacted by the Governor, Council, and Assembly, That all persons who were in anywise engaged in suppressing or endeavouring to suppress the riots that occurred in the city of Saint John in this Island between the twenty-fifth day of March last and the second day of this present month of April, or in arresting, imprisoning, or confining any person or persons concerned or supposed to be concerned therein, shall be free, discharged, and indemnified as well against the Queen's Majesty, Her heirs and successors, as against all and every other person and persons of, for, or concerning the killing, maiming, wounding, or hurting, arresting, confining, imprisoning any person or persons on the occasion of such riots as aforesaid; and that if any action or suit shall be brought against any person or persons for anything by him done in suppressing or endeavouring to suppress the said riots, or in arresting, imprisoning, or confining any person or persons concerned or supposed to be concerned therein, he may plead the general issue and give this Act in evidence, and the same shall be a complete bar to any such action or suit.

Indemnity for all acts done in suppressing riots.

No. 137.

AN ACT for the Regulation of Weights and Measures.

[Dated 13th April; Left to its operation by Order in Council dated 31st July 1858.]

WHEREAS it is requisite that more adequate provision should be made for securing uniformity of weights and measures in this Island, and it is expedient that the same should be assimilated to those at present in use in Great Britain :

Be it therefore enacted by the Governor and the Council and Assembly as follows :

1. Repeals part of former Act.

Standards of weight and measure to be the same as those of Great Britain.

2. The standard measure of length, the standard measure of weight, and the standard measure of capacity for liquids, as well as for dry goods usually sold by such measure, shall be the same as the "imperial standard" for weights and measures in Great Britain, fixed by 5th Geo. 4th, cap. 74, as amended by 5th & 6th Will 4th, cap. 63.

Treasurer to import authorized standards.

3. The Treasurer shall import or otherwise provide one of each of the several weights and measures mentioned in the schedule marked A. attached to this Act, such several weights and measures to be authorized copies or models of the imperial standard weights and measures at present in use in Great Britain, and the same shall be kept in the custody of the said Treasurer and shall be the authorized standard from which all weights and measures used in this Island shall be derived.

Copies of such standards to be provided for each police station and for inspector under Act.

4. Copies of such standard weights and measures, verified by the Treasurer, shall be provided for and kept at each police station in the Island and by the inspector of weights and measures appointed under this Act, for the purpose of comparison in carrying out the provisions of this Act.

How articles sold by weight shall be sold.

Definition of certain multiples of pound weight.

5. All articles sold by weight shall be sold by airdupois weight of sixteen ounces to the pound, or the various multiples or parts thereof, except gold, silver, platina, diamonds, or other precious stones, which may be sold by troy weight, and drugs, which when sold by retail may be sold by apothecaries weight; and whereas confusion has arisen as to the exact meaning of certain multiples of the pound weight, the weight denominated a stone shall consist of fourteen standard pounds airdupois, the weight denominated an hundredweight shall consist of eight such stones or one hundred and twelve pounds, and the weight denominated a ton shall consist of twenty such hundredweights.

How articles sold by measure shall be sold.

6. All liquids usually sold by measure shall be sold by the "imperial standard gallon," or the various aliquot parts thereof, but this shall not be construed so as to prevent the sale of wines, malt, and other fermented liquors by the cask, or any liquors by the ordinary quart or half-quart bottle. In the sale of such dry goods as are usually sold by measure of capacity, two imperial standard gallons shall constitute a peck, eight such gallons a bushel, and eight such bushels a quarter. In the case of spirits or other liquids chargeable by measure, contained in casks, it shall be lawful to ascertain the capacity and contents of such cask by gauge, according to the standard of the imperial gallon fixed by this Act; and for the settlement of disputes or differences on the sale of rum and other spirits, the instrument to be used for ascertaining the strength of such spirits shall be the hydrometer called "Sykes's hydrometer."

Gauging.

Strength of spirit ascertainable by Sykes's hydrometer.

Standard of length.

7. The standard of length shall be the "imperial standard yard," whereby all other measures of extension, whether the same be lineal, superficial, or solid, shall be derived, computed, and ascertained, and one-third part of the said yard shall be a foot and the twelfth part of such foot an inch.

8. All contracts, bargains, sales, and dealings which shall be made after this Act comes in force for any work to be done, or for any goods, wares, merchandise, or other thing to be sold, delivered, done, or agreed for by weight or measure, shall be deemed, taken, and construed to be made according to the standard weights and measures ascertained by this Act.

All contracts, &c. by weights and measure to be according to standards ascertained by this Act.

9. All weights which shall be used after this Act comes in force of the weight of one-fourth of a pound or upwards shall have the weight of the same stamped or cast on the top or side thereof in legible figures and letters, and all measures of capacity shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

All weights and measures used after passing of Act to be stamped as directed.

10. And whereas the use of weights made of soft materials affords facilities for fraud, no weight made of lead or pewter shall be stamped or used: Provided always, that nothing herein contained shall prevent the use of lead or pewter in the manufacture of weights if they be wholly and substantially eased with brass, copper, or iron, or shall prevent the insertion of such a plug of lead or pewter into weights as shall be *bonâ fide* necessary for the purpose of adjusting them and of affixing thereon the stamp herein-after mentioned.

No weights of lead or pewter to be used. Proviso as to use of such metals to adjust weights.

11. The Governor shall appoint an inspector of weights and measures, whose duty it shall be to examine all weights and measures whatsoever which shall be used for the purpose of buying and selling or for the making of any charges on goods or merchandise, and who shall compare such weights and measures with one or more copies of the imperial standard weights and measures provided under the authority of this Act, and when found to correspond with such copies he shall stamp the same as correct in such a manner as best to prevent fraud; and the fees to be paid to the inspector for such examination shall be according to the scale contained in the schedule marked B. to this Act annexed; the stamp above mentioned shall be such as directed or approved by the Governor, and a copy of the same shall be placed in custody of the Treasurer along with the standard weights and measures, the cost of procuring such stamp to be defrayed by the Treasury.

Appointment of inspector and his duty.

12. It shall be lawful for any justice of the peace, the inspector general, or any inspector of police, or the inspector of weights and measures, at all reasonable times, to enter any shop, store, stall, yard, or place whatsoever wherein goods shall be exposed or kept for sale, and there to examine all weights, measures, steelyards, or other weighing machines, and to compare and try the same with the copies of the imperial standard weights and measures required to be provided under this Act.

Fees as in Schedule B. Stamp to be approved by Governor.

Power to enter premises and to examine weights and measures.

13. Any person who shall make, forge, or counterfeit or knowingly aid or assist in counterfeiting any stamp or mark which shall be used for the stamping or marking of any weight or measure under this Act, shall on conviction thereof before any justice be liable to a penalty not exceeding twenty pounds, and in default of payment of such penalty be imprisoned in the common gaol for any period not exceeding three months, unless such penalty be sooner paid.

Penalty for counterfeiting stamp.

No. 169, s. 33.

14. Any person who shall wilfully obstruct, hinder, resist, or in any way oppose any of the persons hereby authorized to examine such weights and measures in the execution of his office, or any person selling or retailing by measure who shall refuse to produce his weights or measures to be examined, shall on conviction thereof before any justice be liable to a penalty not exceeding five pounds, and in default of payment of such penalty be imprisoned in the common gaol for any time not exceeding one month.

Penalty for obstructing examination, &c.

15. Any person who shall in selling use any weight or measure, or any aliquot part thereof, other than those authorized by this Act, or which has not been stamped as aforesaid, except as herein-after excepted, or which shall be found

Penalties for use of unstamped or fraudulent weights or measure, &c.

Proviso.

light or otherwise unjust, or who shall have in his possession any such light or unjust weight or measure for the purpose of use, or who shall have in his possession any steelyard or other weighing machine which shall be incorrect or otherwise unjust, shall on conviction thereof before two or more justices be liable to a penalty not exceeding ten pounds, and in default of payment of such penalty be imprisoned in the common gaol for a period not exceeding two months, unless such penalty be sooner paid; and every such light or unjust weight and measure shall on being discovered by any such inspector general or inspector as aforesaid be seized and on conviction of the person using or possessing the same shall be forfeited and destroyed: Provided that nothing herein contained shall extend to require any wooden or wicker measure used in the sale of lime or other articles of the like nature, or any glass, tin, or earthenware jug or drinking cup to be stamped; but any person buying by any vessel represented as containing the amount of any imperial measure, or of any multiple or part thereof, is hereby authorized to require the contents of such vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by the person who shall use such wooden or wicker measure, jug, or cup as aforesaid; and in case the person who shall use such last-mentioned measure or vessel shall refuse to make such comparison, or if upon such comparison being made such wooden or wicker measure, glass, tin, or earthenware jug or drinking cup shall be found deficient in quantity, the person who shall use the same shall on conviction as aforesaid be subject to the forfeiture and penalties herein-before imposed on any person using light or unjust weights or measures, to be in like manner recovered and enforced.

Time limited for information.

Provisions as to coming into operation of the Act.

16. No conviction under this Act shall take place unless information of the offence charged shall be given within thirty days of the offence being committed.

17. This Act shall come into operation on the 1st day of August next, with the exception of sections third and eleventh, which shall take effect from the passing of this Act.

SCHEDULE A.

WEIGHTS and MEASURES referred to in Section 3 of the Act, which are to be kept in the Custody of the Treasurer as the Standard Weights and Measures of the Island.

Measure of Length.

"Imperial standard yard" graduated to parts of one eighth part of an inch.

Measures of Weight "Avoirdupois."

Fifty-six pounds or half an hundred-weight.	One pound.
Twenty-eight do. or one quarter of do.	Half do.
Fourteen do. or stone.	One fourth do.
Seven do.	Ounce.
Four do.	Half-ounce.
Two do.	One-fourth ounce.
	Dram.

Measures of Weight "Troy."

One pound.	Pennyweight.
One ounce.	Grain.

Measures of Capacity.

Bushel.	Pint.
Half-bushel.	Half-pint.
Peck.	One-fourth of pint or gill.
Gallon.	One-eighth of pint or half-gill.
Half-gallon.	One rod for gauging, according to
Quart.	Imperial standard gallon.

Measure of Specific Gravity.

"Sykes's Hydrometer."

SCHEDULE B.

FEES to be taken by the INSPECTOR OF WEIGHTS AND MEASURES under this Act.

For examining, comparing, and stamping all weights :

Each half-hundredweight	-	-	-	-	One shilling.
Each quarter of a hundredweight	-	-	-	-	Ninepence.
Each stone	-	-	-	-	Sixpence.
Each weight under a stone to a pound inclusive	-	-	-	-	Fourpence.
Each weight under a pound	-	-	-	-	Twopence.
Each set of weights of a pound and under	-	-	-	-	Sixpence.

For examining, comparing, and stamping all wooden measures :

Each bushel	-	-	-	-	One shilling.
Each half-bushel	-	-	-	-	Ninepence.
Each peck and all under	-	-	-	-	Sixpence.
Each yard	-	-	-	-	Sixpence.
Each gauging rod	-	-	-	-	Ninepence.

For examining, comparing, and stamping all measures of capacity of liquids made of copper or other metal :

Each gallon	-	-	-	-	One shilling.
Each half-gallon	-	-	-	-	Ninepence.
Each quart and under	-	-	-	-	Sixpence.
Each measure above a gallon,	-	-	-	-	sixpence for each extra gallon.

No. 138.

AN ACT to extend the Provisions of an Act, intituled "An Act for the Punish- No. 62.
ment of idle and disorderly Persons, Rogues and Vagabonds, incorrigible
"Rogues, or other Vagrants in this Island." [Dated 24th April 1858.]

WHEREAS idle and disorderly persons have frequent opportunities afforded them from the laxity of the laws now in force to endanger the public peace, and it is necessary to apply more stringent rules for keeping such persons in order : Be it therefore enacted by the Governor, Council, and Assembly of Antigua as follows :

Preamble.

1. That the said Act, intituled "An Act for the Punishment of idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues, or other Vagrants in this Island," and bearing date the *thirty-first* day of July one thousand eight hundred and thirty-four, shall be extended and altered in manner

Who to be deemed
idle and disorderly
persons.

following ; that is to say, that every person being able to maintain himself or herself by work and found idling in the public streets, highways, or other public places, and having no reasonable excuse or cause for being so found idling, and all persons found remaining in the public streets, highways, or other public places without good and sufficient cause, or congregating therein after being warned by any peace officer to move on or disperse, and all persons sitting in any public street other than the usual and customary market-place for the purpose of vending any article whatsoever, shall be deemed and taken to be idle and disorderly persons within the intent and meaning of the said recited Act, and that it shall be lawful for any justice of the peace to commit any idle and disorderly person to the gaol or house of correction with such farther punishment as in the said Act mentioned.

For conviction for exposure of person intent to insult not necessary to be proved.

2. It shall not be necessary for the conviction of any person who shall wilfully, openly, lewdly, and obscenely expose his person as in the said Act, intituled "An Act for the Punishment of idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues, or other Vagrants in this Island," mentioned, to prove that such exposure was done with intent to insult any female or otherwise, but the mere act of such exposure, without proving any particular intent, shall be punished as in the second clause of the said Act mentioned.

Any person carrying abroad weapons without satisfactory reason may be arrested ; justice of peace may take away such weapon and in his discretion fine in sum not exceeding 40s.

3. That it shall be lawful for any peace officer to arrest any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon, or any other offensive weapon, and who shall be unable to afford a satisfactory reason for the possession of the same, and to take such person before the nearest justice assigned to keep the peace within the said Island, who on inquiry into the circumstances shall be authorized to take from any such person any such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and in his discretion to fine any such person in any sum not exceeding forty shillings, to be paid into the Treasury for the use of the public, and in default in payment of such fine to commit the defaulter to prison for any period not exceeding three months.

Persons shall not be received in any house for dancing or other amusement for money without licence. Persons so receiving without licence to be deemed rogues and vagabonds. Et vide No. 16, No. 117, s. 2.

4. That it shall be unlawful for anyone to receive in any house or place for the purpose of dancing or other amusement for money or other payment or reward any persons without having obtained a licence for such purpose from any two of Her Majesty's justices assigned to keep the peace within the said Island under their hands and seals, and which licence it shall be discretionary in the said justices to grant or withhold ; and it shall be unlawful for any person to receive any other in any house or place for the purpose of gaming, and any person who shall receive in any house or place any others for the purpose of dancing or other amusement for money, or other payment or reward, without such licence as aforesaid, and any person who shall receive any other in any house or place for the purpose of gaming, shall be deemed to be a rogue and vagabond and be dealt with as such.

Peace officer may enter such premises and warn persons to depart. After warning persons remaining to be deemed idle and disorderly.

5. And it shall be lawful for any peace officer to enter any house or place where dancing or other amusement shall be going on for money or other payment or reward, or where any persons shall be assembled for such purpose without such licence as aforesaid, or where any gaming shall be going on, or where any person shall be assembled for such purpose, and to warn all persons received therein to leave and disperse ; and any person remaining in any such house or place after such warning, or not dispersing when required so to do by any peace officer, shall be deemed to be an idle and disorderly person and shall be dealt with accordingly.

Proceedings against persons keeping disorderly house. Penalty.

6. That upon complaint on oath made to any justice of the peace by any two or more respectable freeholders or householders that any person in their neighbourhood keeps a disorderly house to the nuisance of those in its vicinity, it shall

be lawful for such justice to inquire into the case, and if the complaint be duly proved to impose a fine not exceeding ten pounds on the offender, such fine to be paid into the Treasury for the public use, and on default in payment to sentence such offender to imprisonment in the common gaol for any term not exceeding three months.

No. 139.

AN ACT to extend the Operation of the Laws of Antigua to the Island of Barbuda.

[Dated 25th September 1858; Vide Act of Parliament 22 & 23 Vict. c. 13., under which this Act was ratified, confirmed, and finally enacted by Order in Council dated 23rd September, published at Antigua 8th November 1859.]

WHEREAS Her most Gracious Majesty the Queen did by certain letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-fifth day of April in the eighteenth year of Her reign, appoint Ker Baillie Hamilton, Esquire, to be Governor and Commander-in-Chief in and over the Islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, the Virgin Islands, and Dominica, with their members and appurtenances, during Her Royal pleasure: And whereas it is expedient that the inhabitants of the said Island of Barbuda should have the benefit of and be bound by the laws of Antigua: May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Governor, the Council, and Assembly of Antigua as follows:

Recites commission appointing Governor of Antigua and Barbuda.

1. Whenever Her Majesty shall be pleased to order or declare that the said Island of Barbuda shall be annexed to or made or deemed a dependency of Antigua, the said Island of Barbuda shall be subject to all such laws and statutes as shall be in force in Antigua, or shall at any time thereafter be enacted by the Legislature of Antigua, and shall not be disallowed by Her Majesty, Her heirs or successors, in the same manner as if Barbuda had originally formed part of the Colony of Antigua.

Whenever Her Majesty shall annex Barbuda to Antigua the former Island shall be subject to laws of Antigua.

2. From and after the annexation of Barbuda to Antigua it shall be lawful for the inhabitants of Barbuda to return one member to serve as their representative in the Assembly of Antigua, and for that purpose the said Island of Barbuda shall be deemed an electoral division for the return of such member in the same manner as if Barbuda had been originally named an electoral division in the Act, intituled "An Act for the better Regulation of Elections of "Members of the Assembly."

After annexation inhabitants of Barbuda may return a member to serve in Assembly of Antigua under Act No. 90.

3. The right of any person to vote for such representative, or to be elected such representative for Barbuda as aforesaid, shall be subject to the possession of the qualification required to be possessed by a voter and representative respectively for an electoral division under the said Act, and any person qualified to be elected for an electoral division in Antigua may be elected to represent the said Island of Barbuda in the said Assembly.

Qualification of such representative and of electors.

4. This Act shall not have effect until Her Majesty's pleasure shall be signified thereon.

When Act shall take effect.

22 & 23 VICTORIA, CAP. XIII.

AN ACT to enable Her Majesty to confirm an Act passed by the Legislature of Antigua, intituled "An Act to extend the Operation of the Laws of "Antigua to the Island of Barbuda." [Dated 8th August 1859.]

No. 139.

Her Majesty empowered to confirm recited Act of the Legislature of Antigua.

WHEREAS in the month of September one thousand eight hundred and fifty-eight an Act was passed by the Legislature of Her Majesty's Island of Antigua, intituled "An Act to extend the Operation of the Laws of Antigua to the "Island of Barbuda," and it was provided in the said Act that the same should not have effect until Her Majesty's pleasure should be signified thereon: And whereas doubts are entertained respecting the competency of the said Legislature to enact the said Act and of Her Majesty to ratify and confirm the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. It shall be lawful for Her Majesty, with the advice of Her Privy Council, to ratify and confirm the said Act, and the said Act shall, from the day on which it shall have been so ratified and confirmed, be deemed to be valid and effectual within the said Islands of Antigua and Barbuda, to all intents and for all purposes whatever.

No. 140.

AN ACT for enclosing certain Public Land to the North of the Government House.

[Dated 12th March 1859; Left to its operation by Order in Council dated 9th June 1860.]

Recites No. 97.

WHEREAS by an Act of this Island, entitled "An Act to enable the "Treasurer to purchase certain Lands the Property of Warwick Pearson "Hyndman, Esquire, and to vest the same in Her Majesty for the Use of the "Colony," dated the 12th day of February one thousand eight hundred and forty-seven, the piece or parcel of land to the front of Government House, containing by admeasurement two acres three roods and thirty-one poles, and butted and bounded to the east by lands of John Tollemache, to the west by the high road leading northward from the city, to the north by a line of small settlements running east and west, and to the south by the road in front of Government House, was declared to vest in Her Majesty, Her heirs and successors for ever, to and for the absolute use and benefit of the Colony:

And whereas it is expedient that the said piece or parcel of land should be enclosed and form part of the grounds attached to and surrounding the Government House:

Standing Committee for Government House authorized to enclose land, reserving space for a public road in direction designated.

1. Be it therefore enacted by the Governor, and the Council and Assembly of Antigua, That the standing committee for the repair of Government House be authorized to enclose the said piece or parcel of land so that the same shall henceforth be included in and form part of the grounds attached to and surrounding the Government House; but reserving sufficient space for a public road of not less than thirty feet wide, leading from Cross Street at a point not exceeding twenty-five feet north of the present flagstaff to a point at the junction of East Street with the high road leading to Parham.

2. And for the purpose of defraying the expense of enclosure as aforesaid, Governor may draw it shall be lawful for the Governor to issue his warrant on the public treasury on public treasury for the payment of any sum or sums not exceeding in the whole four hundred pounds. 400*l*.

No. 141.

AN ACT to amend the Law with respect to Tumults and Riots.

[*Dated 26th March 1859; Left to its operation by Order in Council dated 9th June 1860.*]

BE it enacted by the Governor, the Council and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

1. Repeals former Act.

2. If any persons to the number of 12 or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by any one or more justice or justices of the peace, or by the provost marshal, by proclamation, to be made in the Queen's name, in the form herein-after directed, to disperse themselves and peaceably to depart to their habitations or to their lawful business, shall, to the number of twelve or more (notwithstanding such proclamation made), unlawfully, riotously, and tumultuously remain or continue together for the space of one hour after such command or request made by proclamation, then such continuing together to the number of twelve or more after such command or request made by proclamation shall be adjudged felony, and every person so offending shall be adjudged a felon, and on conviction shall be liable to be imprisoned for any time not exceeding five years. *Punishment.*

3. The order and form of the proclamation that shall be made by the authority of this Act shall be as herein-after followeth; (that is to say,) the justice of the peace or provost marshal making proclamation shall, among the said rioters, or as near to them as he can safely come, with a loud voice command or cause to be commanded silence to be while proclamation is making, and after that shall openly and with a loud voice make or cause to be made proclamation in these words or like in effect: *How proclamation shall be made.*

'Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled immediately to disperse themselves and peaceably to depart to their houses or to their lawful business, upon the pains contained in the Act of this Island for preventing tumults and riots.' *Proclamation.*

And all justices of the peace and the provost marshal are hereby respectively authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assembly shall be of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner aforesaid. *Justices to resort to place of riot.*

4. If such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid shall continue together and not disperse themselves within one hour, then it shall be lawful to and for every justice of the peace and to and for the provost marshal and to and for every police officer, constable, and other peace officer, and to and for such other person or persons as shall be commanded to be assisting unto any *Rioters so assembled and not dispersing within one hour may be seized.*

such justice of the peace or provost marshal, who are hereby respectively authorized and empowered to command all Her Majesty's subjects of age and ability to be assisting therein to seize and apprehend such persons so unlawfully, riotously, and tumultuously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before any justice or justices of the peace, in order to their being proceeded against for such their offences according to law; and if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, then every such justice of the peace, provost marshal, police officer, constable, or other peace officer, and all and singular persons being aiding or assisting to them or any of them, shall be free, discharged, and indemnified as well against the Queen's Majesty, Her heirs and successors, as against all and every other person or persons of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled, as shall happen to be so killed, maimed, or hurt as aforesaid.

If they resist justices and others acting in aid to be indemnified against consequences.

Opposing the making such proclamation felony.

Punishment.

If proclamation hindered persons so assembled and not dispersing guilty of felony.

Punishment.

Prosecutions to be commenced within six months.

Common law offence of riot.

Where imprisonment is directed by this Act hard labour may be ordered.

5. If any person or persons do or shall with force and arms wilfully and knowingly oppose, obstruct, or in any manner wilfully or knowingly let, hinder, or hurt any person that shall begin to proclaim or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, the person so offending shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years; and all and singular the persons so being unlawfully, riotously, and tumultuously assembled together to the number of twelve as aforesaid or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the number of twelve or more, shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, be guilty of felony and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years.

6. No person shall be prosecuted by virtue of this Act for any offence hereinbefore mentioned unless such prosecution shall be commenced within six months after the offence committed.

7. Repealed.

8. When any person shall be guilty and be convicted of riot as a misdemeanor at common law, such offender shall be liable to be imprisoned for any term not exceeding three years.

9. When any person shall be convicted of any offence punishable under or mentioned in this Act for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labour during the whole or any portion of such imprisonment.

No. 142.

AN Act for compiling and printing a new Edition of the Laws of Antigua.
 [Dated 26th March 1859; Left to its operation by Order in Council
 dated 9th June 1860.]

WHEREAS it is highly desirable that measures should be adopted for compiling and printing a new edition of the laws of this Island: Vide No. 148.

Be it therefore enacted by the Governor, the Council and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

1. It shall be lawful for the Governor to issue a commission to such persons as he may think fit, consisting of five, constituting them commissioners for compiling and printing a new edition of the laws of Antigua, and from time to time, in case of the death or refusal or incapacity to act of any of the said commissioners, to appoint some other person or persons to be a commissioner or commissioners as aforesaid to accomplish the purposes of this Act. Authorizes appointment of commissioners to compile and print laws.

2. The said commissioners shall be and they are hereby fully authorized and empowered to prepare and arrange for publication and to print or cause to be printed a new edition of the laws of this Island, omitting all Acts, clauses, and parts of Acts which have expired, been repealed, or had their effect; and in the said edition the said commissioners are hereby authorized to omit all clauses repealing Acts or parts of Acts, as well as the Acts and parts of Acts repealed and the schedules of all repealed Acts. Commissioners to prepare and arrange for publication and cause laws to be printed, omitting repealed Acts.

3. Any three commissioners so to be appointed shall be a quorum for the transaction of business. Three commissioners to be a quorum.

4. Every copy of the said edition of the said Acts when printed shall be stamped with the public seal, and shall be taken, deemed, and held the only lawful statute book of this Island with regard to the laws inserted therein, in all courts and upon all occasions whatsoever. Every printed copy to be stamped with public seal of Island.

5. The Treasurer is hereby authorized to pay to the said commissioners on the warrant of the Governor all such costs and expenses as shall be made to appear to the satisfaction of the Governor, Council, and Assembly to have been necessarily incurred, laid out, and expended in the printing of the said Acts or incident thereto, and for remunerating any clerk to be employed by the said commissioners. Expense of printing and remuneration to clerk to be employed by commissioners to be paid by Treasurer on warrant of the Governor.

6. The said commissioners are hereby authorized to have printed three hundred copies of the said new edition of Acts; and copies shall be delivered to the members of the Legislature, to the magistrates, and to such public departments and functionaries and other persons as the Governor, the Council, and the Assembly shall direct, and the remaining copies shall be placed in the hands of the Treasurer for sale, at such price as shall be fixed by the Governor, the Council, and the Assembly, and the proceeds carried to the public credit. Distribution of printed copies among members of the Legislature and public officers, and residue to be sold.

No. 143.

AN ACT for facilitating the Administration of Justice in the Court of Chancery.
 [Dated 11th August; Left to its operation by Order in Council dated
 22nd October 1859.]

WHEREAS it would greatly contribute to the diminishing of expense and delay in suits in the Court of Chancery if the process, pleadings, and course of proceedings therein were in some respects altered, but this cannot be conveniently done otherwise than by rules or orders of the judge of the said court Vide No. 158.

from time to time to be made, and doubts may arise as to the power of the said judge to make such alterations as may be expedient without the authority of the Legislature of this Colony: Be it therefore enacted by the Governor, the Council, and the Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

It shall be lawful for the Vice-Chancellor with the consent of the Chancellor to make orders to regulate the process, pleading, practice, and proceedings of the court.

1. It shall be lawful for the Vice-Chancellor and he is hereby required by any rules and orders to be from time to time by him made with the consent of the Chancellor to make such alterations as may seem expedient in the form of writs and commissions and the mode of sealing, issuing, executing, and returning the same, and also in the form of and mode of filing bills, answers, depositions, affidavits, and other proceedings, and in the form and mode of obtaining discovery by answer in writing or otherwise, and in the form and mode of pleading, and in the form and mode of taking or obtaining evidence, and generally in the form and mode of proceeding to obtain relief and in the general practice of the court with relation thereto, and also in the form and mode of proceeding before the master, and in the form and mode of drawing up, entering, and enrolling orders and decrees, and of making and delivering copies of pleadings and other proceedings, and to make such regulations as to the taxation, allowance, and payment of costs, and for altering, superintending, controlling, and regulating the business of the several officers of the court, and otherwise for carrying into effect the said alterations as to him may seem proper.

All such rules to be general rules of the court.

2. All rules, orders, and regulations to be made under this Act shall for all purposes be deemed and taken to be general rules and orders of the Court of Chancery of Antigua.

Such rules to be laid before the Council and Assembly.

3. All general rules and orders made in pursuance of the powers contained in this Act shall immediately after the making and issuing thereof be laid before the Council and Assembly if then in session, or if not then in session at the next meeting thereof: Provided always, that if the Council or Assembly shall by any resolution passed within thirty-six days after such rules or orders have been laid before the Council and Assembly resolve that the whole or any part of such rules or orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall from and after such resolution cease to be binding.

No. 144.

AN ACT for the Amendment of the Laws with respect to Wills.

[Dated 5th September; Left to its operation by Order in Council dated 29th November 1859.]

7 Will. 4. & 1 Vict. c. 26.

Meaning of certain words in this Act.

"Will."

"Real estate."

BE it enacted by the Governor, the Council, and Assembly of Antigua as follows:

1. The words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "will" shall extend to a testament and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child, by virtue of any Act of Parliament or of the Legislature of this Colony, and to any other testamentary disposition; and the words "real estate" shall extend to the mesuages, lands, rents, and hereditaments, whether freehold or of any other tenure,

and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon an executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

"Personal estate."

Number.

Gender.

2. So much of the Act passed by the Legislature of Antigua in the year 1786, intituled "An Act for the Prevention of Fraud and Perjury," as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements, or hereditaments, or any clause thereof, or to nuncupative wills, or to the repeal, altering, or changing of any will in writing concerning any goods or chattels or personal estate, or any clause, devise, or bequest therein, and also so much of the one hundred and second clause of the Act passed by the Legislature of Antigua in the year 1791, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," as relates to the devise or descent of any estate *pour autre vie*, or to any such estate, being assets, shall be and the same are hereby repealed, except so far as the said Acts or either of them respectively relate to any wills or estates, *pour autre vie*, to which this Act does not extend.

Repeal of 3rd and subsequent sections of No. 29 and part of section 102 of No. 33.

3. It shall be lawful for every person to devise, bequeath, or dispose of by his will, executed in manner herein-after required, all real estate and all personal estate which he shall be entitled to either at law or in equity at the time of his death, and which, if not so devised, bequeathed, or disposed of would devolve upon the heir-at-law of him, or if he became entitled by descent of his ancestor, or upon his executor or administrator, and also to estates *pour autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be freehold or of any other tenure, and whether the same shall be a corporeal or incorporeal hereditament, and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created, or under any disposition thereof by deed or will, and also to all rights of entry for conditions broken and other rights of entry, and also to such of the same estates, interests, and rights respectively and other real and personal estate as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

All property may be disposed of by will.

Estates *pour autre vie*.

Contingent interests.

Rights of entry.

Property acquired after execution of will.

Estates *pour autre vie*.

4. If no disposition by will shall be made of any estate *pour autre vie*, of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent as in the case of freehold land in fee simple; and in case there shall be no special occupant of any estate *pour autre vie*, whether freehold or of any other tenure, and whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party that had the estate thereof by virtue of the grant; and if the same shall come to the executor or administrator either by reason of a special occupancy or by virtue of this Act, it shall be assets in his hands and shall go

and be applied and distributed in the same manner as the personal estate of the testator or intestate.

12 Car. 2. c. 24,
ss. 8, 9.
Father may dispose
of custody of children
during minority.

Powers of guardians.

No will of person
under age valid.

Nor of feme covert
except such as might
now be made.

Every will shall be in
writing and signed
by testator in pre-
sence of two witnesses
at one time.

15 & 16 Vict. c. 24.

When signature to
will shall be deemed
valid.

Appointments by will
to be executed like
other wills and to be
valid although other
required solemnities
are not observed.

Soldiers and mariners
wills.

5. It shall be lawful for the father of any child under the age of 21 years and not married at his decease, whether then born or *in ventre sa mere*, to dispose by will of the custody and tuition of such child for such time as such child shall remain under the age of 21 years or any less time, and the person to whom the custody of such child shall be so disposed shall have the same powers, rights, and remedies in relation to the person and property of such child as a guardian by statute or a guardian in common soeage in England.

6. No will made by any person under the age of 21 years shall be valid.

7. No will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

8. No will shall be valid unless it shall be in writing and executed in manner herein-after mentioned; (that is to say,) it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

9. But every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed valid within the enactment in section 8 of this Act as explained by this section, if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such signature to the writing signed as his will; and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the *testimonium* clause or of the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will, whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment, but no signature under this Act shall be operative to give effect to any disposition or direction which is undernearth or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

10. No appointment made by will in exercise of any power shall be valid unless the same be executed in manner herein-before required; and every will executed in manner herein-before required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

11. Any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done by the law of England before the making of this Act.

12. Every will executed in manner herein-before required shall be valid without any other publication thereof.

Publication not requisite.

13. If any person who shall attest the execution of a will shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

Will not to be void on account of incompetency of attesting witness.

14. If any person shall attest the execution of any will to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, or wife, or husband, be utterly null and void; and such person so attesting shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

Gifts to attesting witness void.

15. In case by any will any real or personal estate shall be charged with any debt or debts, and any creditor or the wife or husband of any creditor whose debt is so charged shall attest the execution of such will, such creditor notwithstanding such charge shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

Creditor attesting to be admitted a witness.

16. No person shall on account of his being an executor of a will be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

Executor to be admitted a witness.

17. When any person shall die after the thirty-first day of December 1859 having by his will or any codicil thereto, whether made before or after the passing of this Act, appointed an executor, such executor shall be deemed in equity to be a trustee for the person (if any) who would be entitled to the estate under the statute of distributions in respect of any residue not expressly disposed of, unless it shall appear by the will or any codicil thereto that the person so appointed executor was intended to take such residue beneficially; but nothing in this section shall affect or prejudice any right to which any executor if this Act had not been passed would have been entitled in cases where there is not any person who would be entitled to the testator's estate under the statute of distributions in respect of any residue not expressly disposed of.

11 Geo. 4. & 1 Will. 4. c. 40.

Executors deemed trustees of undisposed residue.

18. Every will made by a man or woman shall be revoked by his or her marriage, except a will made in exercise of a power of appointment when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor, or administrator, or the person entitled as his or her next of kin under the Statute of Distributions.

Will revoked by marriage.

19. No will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

No will revoked by presumption.

20. No will or codicil or any part thereof shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner herein-before required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is herein-before required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

No will revoked except by another will or writing duly executed or by destruction.

21. No obliteration, interlineation, or other alteration made in any will after the execution thereof shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such

No alteration in will shall have effect unless executed as a will.

alteration shall be executed in like manner as herein-before is required for the execution of the will; but the will with such alteration as part thereof shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration and written at the end or some other part of the will.

No will revoked to be
revoked except by
re-execution or codicil
duly executed.

22. No will or codicil or any part thereof which shall be in any manner revoked shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner herein-before required and shewing an intention to revive the same; and when any will or codicil which shall be partly revoked and afterwards wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown.

Devise not rendered
inoperative by subse-
quent conveyance or
Act.

23. No conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

Will to speak from
death of testator.

24. Every will shall be construed with reference to the real estate and personal estate comprised in it to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

A residuary devise
shall include estate
comprised in lapsed
and void devises.

25. Unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

A general devise of
testator's lands shall
include leasehold as
well as freehold lands.

26. A devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a leasehold estate if the testator had no freehold estate which could be described by it, shall be construed to include the leasehold estates of the testator, or his leasehold estates or any of them to which such description shall extend, as the case may be, as well as freehold estates, unless a contrary intention shall appear by the will.

A general gift shall
include estates over
which testator has
general power of
appointment.

27. A general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal property described in a general manner, shall be construed to include any personal estate or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

A devise without
words of limitation
shall pass the fee.

28. Where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple or other the

whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

29. In any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person and not an indefinite failure of his issue, unless a contrary intention shall appear by the will by reason of such person having a prior estate tail or of a preceding gift, being without any implication arising from such words, or limitation of an estate tail to such person or issue, or otherwise; provided that this Act shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

The words "die without issue," or "die without leaving issue," shall mean die without issue living at the death.

30. Where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold shall thereby be given to him expressly or by implication.

No devise to trustees or executors except for a term shall pass a chattel interest.

31. Where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate or in the surplus rents and profits thereof shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

Trustees under unlimited devise where trust may endure beyond life of person beneficially entitled for life to take the fee.

32. Where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail shall die in the lifetime of the testator leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Devises of estates tail shall not lapse.

33. Where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to children or other issue who leave issue living at testator's death shall not lapse.

34. This Act (except section 17) shall not extend to any will made before the 1st day of January 1860, and every will re-executed or republished or revived by any codicil shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, republished, or revived, and this Act shall not extend to any estate *pour autre vie* of any person who shall die before the 1st day of January 1860.

Act (except section 17) not to extend to wills made before 1860.

35. When any person shall, after the thirty-first of December one thousand eight hundred and fifty-nine, die seised of or entitled to any estate or interest in any land or other hereditaments which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, and such

17 & 18 Vict. c. 113. Heir or devisee of real estate not to claim payment of mortgage out of personal assets.

person shall not by his will or deed or other document have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof: Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such lands or hereditaments to obtain full payment or satisfaction of his mortgage debt, either out of the personal estate of the person so dying as aforesaid or otherwise: Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document already made or to be made before the first day of January one thousand eight hundred and sixty.

No. 145.

AN ACT to amend an Act, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice."
[Dated 14th September; Left to its operation by Order in Council dated 29th November 1859.]

Recites Act No. 33,
and Act No. 35,

WHEREAS an Act was passed in the year one thousand seven hundred and ninety-one, intituled "An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice," and another Act was passed in the year one thousand seven hundred and ninety-six, intituled "An Act supplementary to an Act, intituled 'An Act for establishing Courts of 'Common Pleas, Error, King's Bench and Grand Session, and for the better regulating and settling due Methods for the Administration of Justice,'" which Acts having been from time to time altered, amended, partially repealed, revived, and continued by subsequent Acts, were as so altered, amended, partially repealed, revived, and continued, made perpetual by an Act passed on the twenty-ninth day of November one thousand eight hundred and forty-nine: And whereas it is expedient to consolidate certain of the Acts by which the said original and supplemental Acts were so altered, amended, and partially repealed: Be it therefore enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

Interpretation of cer-
tain words in Acts.

1. Wherever in any Act the word "King," the words "His Majesty," or the word "His," as bearing reference or as applicable to the existing Royal authority occur, the same shall be understood to refer to Her Majesty during Her reign.

Style of court.

2. The court established by the said first recited Act for hearing and determining criminal matters, and thereby directed to be called "The Court of King's Bench and Grand Sessions for Antigua," and which since the accession of Her Majesty to the throne hath been called "The Court of Queen's Bench and Grand Sessions of Antigua," shall hereafter during the reign of Her Majesty, or any future female British Sovereign, be called "The Court of Queen's

"Bench," and during the reign of any future male British Sovereign "The Court of King's Bench," and the seal now used by the existing court shall be the seal of such court.

3. The said court shall be held on *the first Tuesday in March, the first Friday in June, the last Tuesday in September, and the first Friday in December* in every year, and at such other times as the Governor shall in case of emergency by proclamation direct, and such courts shall have power to adjourn from time to time as occasion may require, and the said court and the judge thereof shall have and exercise the powers and jurisdiction vested by the said first recited Act or any other Act in "The Court of King's Bench and Grand Sessions for Antigua," or "The Court of Queen's Bench and Grand Sessions for Antigua," or the judges or any judge thereof, and also jurisdiction in all cases whatsoever (in which the Court of Common Pleas hath not jurisdiction), as fully and amply to all intents and purposes in this Colony as the Court of Queen's Bench in Westminster or the judges or any judge thereof lawfully hath or have in England.

Sittings and jurisdiction of court.
Days of sitting altered by No. 181, s. 1.

4. The secretary of the said court shall before the close of each day's sitting make out a list of all persons bound by recognizance to appear or who shall be so bound for the appearance of any other person at the said court, and who have made default or whose principals or other persons for whom they are so bound have made default to appear at the said court, which list shall be signed by the judge of the said court, and shall be delivered to the provost marshal, who shall by a short notice in writing summon all persons whose names appear on the said list to be and appear before the said court on a day to be named by the said court or judge to show cause why the penalty of their recognizances should not be enforced.

Secretary to make list of persons bound by recognizance making default.

Such persons to be summoned by marshal.

5. The provost marshal shall at each sitting of the said court make a return to the said court of all persons who have been summoned as aforesaid, and it shall be lawful for the said court to hear and determine the merits of each case, and if any special circumstances or satisfactory excuse shall be proved to reduce or wholly to remit the amount in which the party may stand bound in any recognizance, or otherwise to enforce the same in manner herein-after directed; and in case any person so summoned as aforesaid to appear before the said court shall refuse or fail to appear, it shall be lawful for the said court upon proof of due service of the said summons upon such person to proceed to adjudicate as if such person was present.

Court may mitigate or enforce penalty of recognizance.

6. When judgment shall have been given against any person in respect of any forfeited recognizance, a writ of execution in the form in Schedule A. to this Act annexed shall be issued from the Secretary's office against such person and delivered to the provost marshal to be by him enforced according to the exigency thereof.

On judgment on forfeited recognizance, execution to issue.

7. The goods, chattels, lands, or tenements of any person levied upon, under, or by virtue of any such writ or execution shall be sold for ready money by the provost marshal, who shall give ten days notice of sale in cases of personal property and forty days notice of sale in cases of real property, and such writ may be executed at any time of the year; and the provost marshal shall pay over all sums directed to be levied and received by him by virtue of this Act to the public Treasurer for the public uses of the Colony, and render the surplus, if any, on any such sale after deducting the costs to the person entitled thereto.

Proceedings thereunder.

8. All fines imposed by the said court for the neglect and default of any coroner, juror, constable, or other person shall and may be proceeded for and recovered as nearly as may be in the manner and form hereby directed for recovering the sums due upon forfeited recognizances.

How fines shall be recovered.
Repealed as to juror by No. 223.

The Secretary to keep record of proceedings on forfeited recognizances and fines.

Court of Common Pleas shall have power to make alterations in the mode of pleading, &c.

Authority to hold special Court of Common Pleas.

Demands not to be divided for the purpose of bringing two or more suits in Court of Complaints.
9 & 10 Vict. c. 95,
s. 63.
No. 33, s. 151.

Service of complaints and set off in Court of Complaints.
No. 33, s. 151.

Practice in appeal by defendant in Court of Complaints when judgment shall be given for plaintiff.

Remedy given to plaintiffs by No. 35, s. 1, extended to defendants.

Chief Justice of the precincts mentioned in Act No. 12 to be understood as Chief Justice of the Island.

9. Repealed.

10. The Secretary shall keep a record of all proceedings of the said court in reference to forfeited recognizances and fines imposed by the said court or returned by any coroner.

11. The Court of Common Pleas shall and may by any rule or order to be from time to time made make such alteration in the mode of pleading in the said court and in the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law, and in the time and manner of objecting to errors in pleadings and other proceedings, and in the mode of verifying pleas, and such regulations as to payment of costs and otherwise for carrying into effect the said alterations, as to the said court may seem expedient: Provided always, that no such rule or order shall have the effect of depriving any person of the power of pleading the general issue and giving the special matter in evidence in any case wherein he is now or hereafter shall be entitled to do so by virtue of any statute or Act of Parliament or of the Legislature of this Colony now or hereafter to be in force.

12. It shall be lawful for the Chief Justice from time to time in vacation, or notwithstanding the adjournment of the Court of Common Pleas, to hold a special court for the transaction of any business requiring despatch in the said court, except trial by jury.

13. It shall not be lawful for any plaintiff suing in the Court of Complaints established by the said first recited Act to divide any cause of action for the purpose of bringing two or more suits or complaints in that court, but any plaintiff having cause of action for more than the sum allowed to be sued for in the said Court of Complaints for which a complaint might be entered under that Act, if not for more than the sum so allowed to be sued for, may abandon the excess, and thereupon the Plaintiff shall on proving his case recover to an amount not exceeding the sum so allowed to be sued for in the said court, and the judgment of the court upon such complaint shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment shall be made accordingly.

14. Every complaint shall be served at least six days including the day of service instead of forty-eight hours before the sitting of the Court of Complaints wherein the defendant or defendants is or are summoned to appear; and a defendant having any set off shall give twenty-four hours notice thereof to the plaintiff in the said Court of Complaints instead of twelve hours as directed by the one hundred and fifty-first section of the said first recited Act.

15. When judgment shall be given in the Court of Complaints for the plaintiff and the defendant shall appeal therefrom in the manner prescribed by the said first recited Act, and such plaintiff shall not appear on the appeal coming on to be heard, he may be nonsuited or the appeal may be heard *ex parte* in the discretion of the Court of Appeal.

16. The remedy given by the first section of the said supplementary Act passed in the year one thousand seven hundred and ninety-six to plaintiffs in an execution shall be given and deemed to extend to defendants for recovering any surplus that may remain in the hands of the provost marshal after payment of all executions against the same defendants with all costs thereon.

17. Where in the Act, intituled "An Act for ascertaining what the Executors or Administrators shall have and enjoy of the Crops growing on the Ground of those that are Tenants for Life, Tenants in Dower, or Tenants at Will," the words "Chief Justice of the precincts" occur, the same shall be understood to mean the Chief Justice of the Island.

18. And whereas it was by the said first recited Act provided that in all cases not therein or thereby sufficiently provided for, it should be in the power of the Court of Common Pleas from time to time to make and establish general rules for guiding the practice of the said court, and to approve and direct the forms of process issuing out of the said court, as near and as agreeable as may be to the practice of the Court of Common Pleas in England: And whereas the practice of the Court of Common Pleas in England, to which it was intended that the practice of the Court of Common Pleas in Antigua should be conformed, hath been greatly improved by the statutes passed in Her Majesty's reign in the years one thousand eight hundred and fifty-two and one thousand eight hundred and fifty-four, commonly called or known as the Common Law Procedure Acts, and it will conduce to the ends of justice if such improved practice shall be authorized in this Colony: It is therefore enacted, That it shall be lawful for the Court of Common Pleas of Antigua from time to time by any general rule or order of the said court to adopt the practice or any part or parts of the practice of the Court of Common Pleas in England, as established or authorized by the said statutes, or as near thereto as circumstances will admit, or as may be applicable to the state and condition of this Colony, and to make such regulations as to the payment of costs and otherwise for carrying into effect such practice as to the said court may seem expedient.

Practice established or authorized by common law procedure Acts may be introduced in Court of Common Pleas by rule.
No. 33, s. 224.

19. Any part or parts of any Act or Acts contrary to this Act shall be and the same are hereby repealed, but such repeal shall not affect any legal proceeding commenced under any of the said Acts before the passing of this Act.

Repeal of Acts.

20. This Act shall be construed as one Act with the said recited court Acts and the Acts amending the same, and may be cited as the "Common Law Courts Amendment Act."

Construction and title of Act.

SCHEDULE A.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To the provost marshal of our Island of Antigua, greeting,

We command you that you cause to be levied of the goods and chattels, lands and tenements of the sum which the said has been by our Court of Queen's Bench adjudged to owe unto us under and by virtue of a certain recognizance for the sum of entered into (*mentioning the date and effect of the recognizance*) (or for or in respect of a certain fine imposed on the said by the said court,) or by Her Majesty's coroner, and returned unto the said court (*as the case may be*), as by the said recognizance remaining among the proceedings (*or as by the records of our said court held for our said Island*) manifestly appears; and in case you cannot immediately find sufficient goods and chattels, lands and tenements, you are to attach the body of the said and him (*or her*) safely to keep until the said sum of and all costs be fully paid and satisfied, and of your proceedings herein you are to make return into the Secretary's office of our said Island within thirty days after the date of this our writ, and also within thirty days next after any proceedings shall be had on this writ; and herein fail not as you will answer the contrary at your peril.

Witness the Honourable
the day of
year of Our reign.

Chief Justice of Antigua,
18 and in the

Passed the office.

IN THE COMMON PLEAS.

Monday, 30th May 1864.

BEFORE HIS HONOR SIR WILLIAM SNAGG, CHIEF JUSTICE.

It is ordered that the following rules shall govern the practice of ejectment hereafter brought.

Writ to issue.

1. Instead of the present proceeding by ejectment a writ shall be issued directed to the person in possession by name and to all persons entitled to defend the possession of the property claimed, which property shall be described in the writ with reasonable certainty.

Particulars of writ.

2. The writ shall state the names of all the persons in whom the title is alleged to be and command the persons to whom it is directed to appear before the Chief Justice of the court on the day of to defend the possession of the property sued for or such part thereof as they may think fit, and it shall contain a notice that in default of appearance they will be turned out of possession, and the writ shall bear teste of the day on which it is issued and shall be in the form contained in the schedule to this order annexed marked No. 1, or to the like effect.

Service of writ.

3. The writ shall be served by the provost marshal or his deputy, or some person by him lawfully authorized at least six days including the day of service before the sitting of the court whereat the defendants are summoned in the same manner as an ejectment has heretofore been served, or in such manner as the court or judge shall order, and in case of vacant possession by posting a copy thereof upon the door of the dwelling-house or other conspicuous part of the property.

Appearance by persons named in writ.

4. The persons named as defendants in such writ or either of them shall be allowed to appear within fourteen days next after the sitting of the court whereat they are summoned to appear when the writ shall have been served six days before such court, or if not so served then within fourteen days next after the second court.

Appearance of other person.

5. Any other person not named in such writ shall by leave of the court or the judge be allowed to appear and defend on filing an affidavit showing that he is in possession of the land either by himself or his tenant.

Landlord.

6. Any person appearing to defend as landlord in respect to property whereof he is in possession only by his tenant shall state in his appearance that he appears as landlord, and such person shall be at liberty to set up any defence which a landlord appearing in an action of ejectment has heretofore been allowed to set up and no other.

Defence for part.

7. Any person appearing to such writ shall be at liberty to limit his defence to a part only of the property mentioned in the writ, describing that part with reasonable certainty in a notice entitled in the cause and signed by the party appearing or his attorney; such notice to be served within four days after appearance, and an appearance without such notice confining the defence to part shall be deemed an appearance to defend for the whole.

Want of reasonable certainty.

8. Want of reasonable certainty in the description of the property or part of it in the writ or notice shall not nullify them, but shall only be ground for an application to the court or judge for better particulars of the land claimed or defended, which the judge or court shall have power to give in all cases.

Striking out appearance.

9. The court or judge shall have power to strike out or confine appearances and defences set up by persons not in possession by themselves or their tenants.

Judgment by default.

10. In case no appearance shall be entered within the time appointed, or if an appearance be entered, but the defence be limited to part only, the plaintiff shall be at liberty to sign a judgment that the person whose title is asserted in the

writ shall recover possession of the land or of the part thereof to which the defence does not apply, which judgment if for all may be in the form contained in the schedule to this order annexed marked No. 2, or to the like effect, and if for part may be in the form contained in the schedule to this order annexed marked No. 3, or to the like effect.

11. In case an appearance shall be entered an issue may at once be made up Making up issue. without any pleadings by the claimants or their attorney setting forth the writ and stating the fact of the appearance with its date and the notice limiting the defence, if any, of each of the persons appearing, so that it may appear for what defence is made, and directing the provost marshal to summon a jury, and such issue, in case defence is made for the whole, may be in the form contained in the schedule to this order annexed marked No. 4, or to the like effect, and in case defence is made for part, may be in the form contained in the schedule to this order annexed marked No. 3, or to the like effect.

12. By consent of the parties and by leave of the court or judge a special Special case. case may be stated according to the practice heretofore used.

13. The claimants may, if no special case be agreed to, proceed to trial upon Trial. the issue in the same manner as in other actions, and the particulars of the claim and defence, if any, or copies thereof shall be annexed to the record by the claimants, and the question at the trial shall, except in the cases hereafter mentioned, be whether the statement in the writ of the title of the claimants is true or false, and if true, then which of the claimants is entitled, and whether to the whole or part, and if to part, then to which part of the property in question, and the entry of the verdict may be in the form contained in the schedule to this order annexed marked No. 5, or to the like effect, with such modifications as may be necessary to meet the facts.

14. In case the title of the claimant shall appear to have existed as alleged in Expiry of title. the writ and at the time of service thereof, but it shall also appear to have expired before the time of trial, the claimant shall notwithstanding be entitled to a verdict according to the fact that he was so entitled at the time of bringing the action and serving the writ, and to a judgment for his costs of suit.

15. If the defendant appears and the claimant does not appear at the trial the Nonsuit. claimant shall be nonsuited, and if the claimant appears and the defendant does Non-appearance of not appear the claimant shall be entitled to recover as heretofore without any defendant. proof of his title.

16. The jury may find a special verdict or either party may tender a bill of Special verdict. exceptions.

17. Upon a finding for the claimant judgment may be signed and execution Judgment and execu- issue for the recovery of possession of the property or such part thereof as the tion for claimant. jury shall find the claimant entitled to, and for costs in such time as is allowed in other actions.

18. Upon a finding for the defendants or any of them judgment may be For defendant. signed and execution issue for costs against the claimants named in the writ in such time as is allowed in other actions.

19. Upon any judgment in ejectment for recovery of possession and costs, Writs for recovery of there may be either one writ or separate writs of execution for the recovery of possession and costs. possession and for the costs at the election of the claimant.

20. In case of such action being brought by some or one of several persons Joint tenants, &c. entitled as joint tenants, tenants in common, or coparceners, any joint tenant, tenant in common, or coparcener in possession, may at the time of appearance or within four days after give notice in the same form as in the notice of a limited defence that he defends as such and admits the right of the claimant to an undivided share of the property (stating what share), but denies any actual

ouster of him from the property, and may within the same time file an affidavit stating with reasonable certainty that he is such joint tenant, tenant in common, or coparcener, and the share of such property to which he is entitled, and that he has not ousted the claimant; and such notice shall be entered in the issue in the same manner as the notice limiting the defence, and upon the trial of such an issue the additional question of whether an actual ouster has taken place shall be tried.

Finding where joint
tenant, &c.

21. Upon the trial of such issue as last aforesaid if it shall be found that the defendant is joint tenant, tenant in common, or coparcener with the claimant, then the question whether an actual ouster has taken place shall be tried; and unless such actual ouster shall be proved the defendant shall be entitled to judgment and costs; but if it shall be found either that the defendant is not such joint tenant, tenant in common, or coparcener, or that an actual ouster has taken place, then the claimant shall be entitled to such judgment for the recovery of possession and costs.

By the court,
EDWIN D. BAYNES,
Colonial Secretary.

SCHEDULE.

No. 1.—FORM of WRIT.

Victoria, &c. to X., Y., Z. and all persons entitled to defend the possession of (*describe the property with reasonable certainty*) in the parish of to the possession whereof A., B., and C. some or one of them claim to be (or to have been on and since the day of A.D.) entitled to eject all other persons therefrom. These are to will and command you or such of you as deny the alleged title to appear before our Chief Justice of our Court of Common Pleas on the day of to defend the said property or such part thereof as you may be advised, in default whereof judgment may be signed and you turned out of possession. Witness, &c.

No. 2.—JUDGMENT in case of NON-APPEARANCE.

In the Common Pleas.

On the day of 18 (*date of writ*).

ANTIGUA, to wit. On the day and year above written a writ of Our Lady the Queen issued forth of this Court in these words; that is to say,

Victoria, by the grace of God (*here copy the writ*), and no appearance has been entered or defence made to the said writ. Therefore it is considered that the said (*here insert the names of the persons in whom title is alleged in the writ*) do recover possession of the land in the said writ mentioned with the appurtenances.

No. 3.

In the Common Pleas.

On the day of 18 .

ANTIGUA, to wit. On the day and year above written a writ of Our Lady the Queen issued forth of this Court in these words; that is to say,

Victoria, by the grace of God (*here copy the writ*) and C.D. has on the day of appeared by his attorney (*or in person*) to the said writ, and has defended for a part of the land in the writ mentioned; that is to say (*here state the part*), and no appearance has been entered or defence made to the said writ except as to the said part, therefore it is considered that the said A.B. (*the claimant*)

do recover possession of the land in the said writ mentioned except the said part, with the appurtenances, and that he have execution thereof forthwith, and as to the rest let a jury come, &c.

No. 4.

In the Common Pleas.

On the day of 18 .

ANTIGUA, to wit. On the day and year above written a writ of our Lady the Queen, issued forth of this Court in these words; that is to say,

Victoria, by the grace of God (*here copy the writ*) and C.D. has on the day of appeared by his attorney (*or in person*) to the said writ and defended for the whole of the land therein mentioned: Therefore let a jury come, &c.

No. 5.

Afterwards on the day of before the Chief Justice of our Lady the Queen for Antigua come the parties within mentioned, and a jury being sworn to try the matter in question between the said parties on their oath, say that A.B. (*the claimant*) within mentioned on the day of was and still is entitled to the possession of the land within mentioned, as in the writ is alleged: Therefore, &c.

No. 146.

AN ACT to establish a Registry of Voters for the Election of Members of the Election Act, No. 90. Assembly of this Island.

[*Dated 17th September; Left to its operation by Order in Council dated 29th November 1859.*]

WHEREAS it is expedient to establish a register of all persons entitled to vote in the election of members to serve in the House of Assembly of this Island:

Be it enacted by the Governor, the Council, and the Assembly of this Island as follows:

1. No person shall be entitled to vote in the election of a member or members to serve in the Assembly unless he shall have been duly registered according to the provisions herein-after contained; and no person shall be so registered in any year in respect of any qualification which, according to the provisions of this Act, would confer the right of voting, unless he shall have had, held, and enjoyed such qualification for three calendar months previous to his claim to be registered: Provided that where any lands, tenements, or rents which would otherwise confer the right of voting shall come to any person at any time within the said period of three months, by descent, succession, marriage, marriage settlement, devise, or appointment to any office, such person shall be entitled in respect thereof to have his name inserted as a voter in the election of a member or members of Assembly in the list then next to be made by virtue of this Act, as herein-after mentioned, and upon being duly registered according to the provisions herein-after contained to vote in such election: Provided also, that in case any election shall take place after any such person shall become so qualified, and previously to the period of registration, every such person shall be entitled to vote at such election, although not registered.

No vote without previous registration.

Qualification to have been held three calendar months before registration, except where right of voting is obtained by descent, &c.

2. Every person who shall be entitled to vote in the election of members to serve in the Assembly for the city, or any town or division in this Island, in respect of any property or other ground of qualification arising or situate in any such city, town, or division, shall, between the first and last days of October

Electors shall between 1st and 31st October in each year deliver notice of claim and qualification.

in every year, deliver or cause to be delivered to the justices of the city, town, or division where such property or other ground of qualification shall arise or be situate, or to any two of them, a notice of his claim as such voter, according to the form contained in the Schedule A. to this Act annexed, or to the like effect: Provided that after the formation of the register to be made in each year, as herein-after is mentioned, no person whose name shall be upon such register for the time being of voters shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification.

Proviso ; qualifications unaltered need not be again registered.

Justices on or before 10th November in each year to make out lists of claimants of elective franchise.

3. The said justices shall, on or before the tenth day of November in every year, prepare and make out in alphabetical order a list according to form marked C. in the annexed schedule of all persons who on or before the thirty-first of October then next preceding shall have claimed as aforesaid, or shall be upon the register for the time being (if any), and in every such list the christian and surname of every person, with the place of his abode and the nature of his qualification, shall be written as the same are stated in the claim or register; and the said justices, if they shall have reasonable cause to believe that any person whose name shall appear in such list is not entitled to vote or to have his name upon the register then next to be made, shall add the words "objected to" against the name of every such person in the margin of such list; and the said justices shall, on the three last Saturdays in the month of November, affix or cause to be affixed a copy of such list upon the south door of the court house in the city of Saint John, and on the principal door of the police office in the several parishes in this Island in which such lists are made, stating that such lists will be revised, and that all objections to any claim to vote mentioned in such list will be heard by the justices at a time and place to be mentioned in such notice.

Provisions in cases of doubtful claims.

Posting of lists.

Notices of revision and hearing objections.

Objections to electors.

4. In every year every person who shall be upon the register for the time being for the city, or for any town or division, or who shall have claimed to be inserted in any list for the then current year for the city, or any town or division, may object to any other person upon the list of voters for such city, town, or division, as not having been entitled on the thirty-first day of October of the then current year to have his name inserted in the list of voters for such city, town, or division, and every person so objecting, and also the justices objecting in the manner herein-before mentioned, shall, on or before the last Saturday in the month of November in such year, give or cause to be given to the person so objected to or leave or cause to be left at his place of abode a notice in writing, according to the form marked B. in the schedule annexed hereto, or to the like effect, and a copy of such notice shall likewise be given at the same time to the justices of the city, town, or division to which the list of voters containing the name of the person so objected to may relate; and every such notice of objection shall be signed by the party so objecting or by the justices as aforesaid.

Justices to hold special petty sessions within first seven days of December according to notice.

5. The justices in the city and in each town and division shall hold a special petty sessions for the purpose herein-before mentioned, on some day between the first and seventh days of December in each year, at the police station in each parish in which the towns or divisions are situate, and in the court house for the city of Saint John, of which public notice shall be given by advertisement in the contract newspaper, at which special petty sessions such justices shall produce the list of voters which shall have been prepared and made out as herein-before directed, and such justices shall retain on such list the names of all persons to whom no objection shall have been made as aforesaid; and such justices shall also retain in such list the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself

Names not objected to to be retained.

or by some one on his behalf in support of such objection; and when the name of any person inserted in such list shall have been objected to as aforesaid, and the person so objecting shall appear by himself or by some one in his behalf in support of such objection, such justices shall require it to be proved that the person so objected to was entitled on the last day of October then next preceding to have his name inserted in such list in respect of the qualification therein described; and in case the same shall not be proved to the satisfaction of such justices, or in case it shall be proved that such person was then incapacitated by any law from voting, such justices shall expunge the name of every such person from the said list, and they shall also expunge from the said list the name of every person who shall be proved or be known to them to be dead, and shall correct any mistake which shall be proved or known to them to have been made in the said list.

Onus probandi on persons objected to.

Correction of lists.

Provided, That no person's name shall be expunged from such list except in case of his death, unless such notice as is herein-before required in that behalf shall have been given to the justices, nor unless such as is herein-before required in that behalf shall have been given to such person or left at his place of abode as aforesaid.

6. If it shall happen that any person who shall have given to the justices due notice of his claim to have his name inserted in such list as aforesaid shall have been omitted by such justices from such list, it shall be lawful for them, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to them or they shall be satisfied that such person was entitled on the last day of October then next preceding to be inserted in such list of voters.

Elector's name omitted in list after notice duly given may upon revision be inserted.

7. The justices holding any such special petty sessions shall have power to adjourn the same from day to day, or to any day not beyond seven days next after the first day of such sessions; and such justices shall have power to administer an oath to all persons making objections to the insertion or omission of any name in such list as aforesaid, and to all persons objected to or claiming to be inserted in such list, or claiming to have any mistake corrected or any omission supplied in such list, and to all witnesses who may be tendered on either side; and such justices shall in open court finally determine upon the validity of all claims and objections.

Power to adjourn sessions and to administer oaths, &c.

8. The justices present at such special petty sessions shall cause two fair copies to be made of such lists as revised as aforesaid, and every such justice shall sign his name at the foot of every such revised list; and the lists so signed shall be forthwith transmitted by the justices, one copy to the clerk of the Assembly and one copy to the provost marshal, to be kept in his office; and the provost marshal shall forthwith copy the said list into a book, which shall be the register of persons entitled to vote at any election of a member or members to serve in the Assembly for the city, town, or division to which each such list shall relate, for one year from the first day of January next after the time of the receipt thereof by the said provost marshal, and further, until the return to him by the justices of another or subsequent list for the same city, town, or division; and every person shall have access thereto, or to the said book, on payment of one shilling, and any person shall be entitled to a copy of any such list on payment of five shillings to the provost marshal, which fees shall be paid by him into the public treasury for the uses of the Colony.

Copies of revised lists to be sent to clerk of Assembly and provost marshal.

Registry by the provost marshal.

9. For the better enabling the justices of the city, towns, and divisions to prepare the lists as herein-before directed, the provost marshal for the time shall

Marshal annually to furnish justices with

certified copies of register.

Mode of proceeding at elections.

Questions to be put to elector on oath.

Liability of returning officer for wilful misfeasance.

Bribery.

Penalty.

False oath, perjury.

Appeal to Court of Common Pleas from decision of justices.

on or before the first day of October in every year transmit to the said justices a certified copy of the existing register (if any) of voters as aforesaid.

10. In all elections no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; that is to say, the returning officer shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions or any of them, and no other:

First.—Are you the same person whose name appears as *A.B.* on the register of voters now in force for the city, town, or division of (*as the case may be*)?

Second.—Are you in possession of the same qualification?

Third.—Have you already voted at this election?

And if required to do so by any elector the returning officer shall then administer to each voter the following oath:—"You do swear that you are the same person whose name appears as *A.B.* on the register of voters now in force for the city, town, or division (*as the case may be*), and that you are now in possession of the same qualification, and that you have not before voted at the present election for the city, town, or division (*as the case may be*). So help you God;" and no elector shall hereafter at any election be required to take any oath except as aforesaid, either in proof of his age, qualification, or right to vote, and no person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the returning officer, upon putting such questions as aforesaid or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or except by reason of such person refusing to take the said oath: Provided that when any person shall under this Act be entitled to vote without having been registered, he shall make proof thereof by oath to the satisfaction of the returning officer.

11. That every provost marshal, returning officer, or other person or public officer required by this Act to do any matter or thing shall for every wilful misfeasance or wilful act of commission or omission contrary to this Act forfeit to any party aggrieved the penal sum of fifty pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party with full costs of suit by action of debt in the Court of Common Pleas: Provided that nothing herein contained shall be construed to supersede any remedy or action against any returning officer according to any law now in force.

12. If any person shall bribe any person entitled to vote at any election to give his vote or to forbear giving his vote at such election, every person so offending shall forfeit for each such offence the sum of fifty pounds with full costs of suit, to be sued for by any person in the Court of Common Pleas within six months next after such offence committed.

13. Every person taking any oath under or required by this Act who shall wilfully swear falsely shall be deemed guilty of perjury and punished accordingly.

14. It shall be lawful for any person who shall be aggrieved or dissatisfied with any decision of the justices before mentioned to appeal therefrom to the Court of Common Pleas within three months after such decision, or at the first meeting thereafter of the said court, and the court on hearing of such appeal shall make order for retaining, inserting, or expunging the name of any person in or from any list of voters which shall have been returned into the office of the provost marshal for the time being, as to the court may seem just; and every

such list shall if necessary be thereupon amended by the said provost marshal in accordance with such order.

15. In the construction of this Act the words provost marshal shall apply to any officer executing or appointed to execute the duties of returning officer, and the words returning officer shall apply to every person executing or appointed to execute the duties under this Act of provost marshal, and the word justices shall be construed to mean the justices or the majority of justices of each city, town, division, or parish, or the justices or majority of justices present at any special petty sessions directed to be held by this Act or at any adjournment thereof, and that no misnomer or inaccurate description of any person, place, or thing, named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing: Provided that such person, place, or thing shall be so denominated in such schedule, list, register, or notice as to be commonly understood.

SCHEDULE A.

FORM of NOTICE of CLAIM to be given to the Justices.

To the justices of the city, town, or division of

I hereby give you notice that I claim to be inserted in the list of voters for the of and the particulars of my qualification are as stated below.

Margin for Objections.	Christian Name and Surname of each Voter at full length.	Nature of Qualification.	Street or other like Place where the Property is situate; Name the Property is known by.

(Signed) A.B.

SCHEDULE B.

To Mr. (*here insert the name and place of abode of the person objected to, as it is set forth in the list.*)

Take notice that I object to your name being retained in the list of voters for the city of (*or town or division, as the case may be.*)

Dated this day of 18 .

(Signed) A.B. on the list of voters for the city of

SCHEDULE C.

LIST of VOTERS for the Division (*or City or Town*) of

in Antigua.

Margin for Objections.	Christian and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street or other like Place where the Property is situate; Name of the Property, if known by any, or other Description; Name of the Tenant, &c.

City, town, or division of

Antigua, the
A.B., C.D.,
E.F. }

day of 18 .
Justices for the city or town,
&c.

(*Here the justices must insert the day appointed by them for revising the above list and for hearing objections to claims, to be also duly signed by the justices as above.*)

No. 147.

AN ACT to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration.

[Dated 5th October 1859; Left to its operation by Order in Council dated 23rd January 1860.]

21 & 22 Vict. c. 48.
22 Vict. c. 10.

Oath to be taken
instead of the oaths
of allegiance, supremacy,
and abjuration.

WHEREAS it is expedient that one oath should be substituted for the oaths of allegiance, supremacy, and abjuration, or the "State oaths," now required by law: Be it therefore enacted by the Governor, Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

1. Instead of the oaths of allegiance, supremacy, and abjuration, or the "State oaths," where the same are now by law required to be taken, and taken and subscribed respectively, the following oath shall be taken and subscribed:

' I A.B. do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria and will defend Her to the utmost of my power against all conspiracies and attempts whatever which shall be made against Her person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, Her heirs and successors, all treasons and traitorous conspiracies which may be formed against Her or them, and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the Crown, which succession by an Act, intituled, "An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and I make this declaration upon the true faith of a christian.

So help me God.'

Oath appointed by
this Act to be taken
in the same cases and
in like manner as the
present oaths.

2. The oath hereby appointed shall be taken and subscribed in the same cases and by and before the same persons and at the same times and places as the oaths of allegiance, supremacy, and abjuration, or the "State oaths," are respectively now directed to be taken and taken and subscribed, and the taking and subscribing of the oath hereby appointed shall have the like effect as the taking and taking and subscribing respectively of the oaths of allegiance, supremacy, and abjuration, or the "State oaths," would have had if this Act had not been passed, and the refusal, neglect, or omission to take and subscribe the oath hereby appointed shall be attended with the like disabilities, incapacities, penalties, liabilities, and consequences as now by law provided in the case of refusal, neglect, or omission to take or take and subscribe respectively the oaths of allegiance, supremacy, and abjuration, or the "State oaths," and all provisions now in force shall be construed and take effect accordingly: Provided always, that no person having before the commencement of this Act taken the oaths of allegiance, supremacy, and abjuration, or the "State oaths," shall be required to take and subscribe the oath hereby appointed, unless and until he would be by law required to take the said oaths of allegiance, supremacy, and abjuration, or the "State oaths," in case this Act had not been passed.

Form of affirmation
for Quakers, &c.

3. Provided always, That every person of the persuasion of the people called Quakers, and every other person now by law permitted to make his solemn affirmation or declaration instead of taking an oath, shall, instead of taking and subscribing the oath hereby appointed, make and subscribe his solemn affirmation or declaration in the following words, namely:

‘ I A.B. do solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to Queen Victoria, and to Her will be faithful against all conspiracies and attempts whatever which shall be made against Her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Queen Victoria, Her heirs and successors, all treasons and traitorous conspiracies which I shall know to be formed against Her or them; and I will be true and faithful to the succession of the Crown, which succession by an Act, intituled “An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject,” is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and refusing any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.’

And the making and subscribing of such affirmation by a person herein-before authorized to make and subscribe the same shall have the same force and effect as the taking and subscribing by other persons of the oath hereby appointed.

4. Where in the oath or affirmation hereby appointed the name of Her present Majesty is expressed or referred to, the name of the Sovereign of the United Kingdom of Great Britain and Ireland for the time being, by virtue of the Act “for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject,” shall be substituted from time to time with proper words of reference thereto.

The name of the Sovereign for the time being to be used in the oath or affirmation.

5. Provided also, That nothing in this Act contained shall be held to alter or affect the provisions of an Act passed by the Legislature of Antigua in the year 1834, intituled “An Act for extending the Provisions of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled ‘An Act for the Relief of His Majesty’s Roman Catholic Subjects,’ to this Colony, as far as the same may be applicable therein.”

Act not to affect Roman Catholic Relief Act, No. 60.

No. 148.

AN ACT to repeal certain Statutes.

[Dated 5th October 1859; Left to its operation by Order in Council dated 23rd January 1860.]

BE it enacted and declared by the Governor, the Council and Assembly of Antigua, and by the authority of the same, that:

Section 1 repeals certain enactments.

2. It shall be lawful for the commissioners appointed for compiling and printing a new edition of the laws of Antigua to omit therefrom the words “Be it enacted by the authority aforesaid,” or words of similar import, where they occur in any second or other clause of any enactment, and to substitute for any sum of former current money or current gold and silver money the sterling value thereof; and where any Act has been amended by a subsequent Act to print the amendment as part of the original Act, such amendment to be printed within brackets or otherwise distinguished, and the date of the amending Act to be noted in the margin, and in such case to omit the amending Act, and to renumber the Acts printed in such new edition;

Matters to be observed by commissioners for printing new edition of laws.
No. 142.

and where the number of any Act is mentioned in the title or body of any other Act to alter such number so as to make the same correspond with the number in such new edition, and thenceforth it shall be sufficient to refer to or cite any Act by the number thereof.

No. 149.

AN ACT for the Amendment of the Law of Inheritance.

[Dated 5th October 1859; Left to its operation by Order in Council dated 23rd January 1860.]

BE it enacted by the Governor, the Council, and Assembly of Antigua as follows:

Meaning of words in the Act.

"Land."

"The purchaser."

"Descent."

"Descendants."

"Person last entitled."

"Assurance."

Number and gender.

Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser unless the contrary be proved.

1. The words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to messuages and all other hereditaments, whether corporeal or incorporeal, and whether freehold or of any other tenure, and to money to be laid out in the purchase of land and to chattels and other personal property transmissible to heirs, and also to any share of the same hereditaments and properties, or any of them, and to any estate of inheritance or estate for any life or lives or other estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the purchaser" shall mean the person who last acquired the land otherwise than by descent, or than by any partition or inclosure by the effect of which the land shall have become part of or descendible in the same manner as other land acquired by descent; and the word "descent" shall mean the title to inherit land by reason of consanguinity, as well where the heir shall be an ancestor or collateral relation as where he shall be a child or other issue; and the expression "descendants" of any ancestor shall extend to all persons who must trace their descent through such ancestor; and the expression "the person last entitled to land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof; and the word "assurance" shall mean any deed or instrument (other than a will) by which any land shall be conveyed or transferred at law or in equity; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

2. In every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall for the purposes of this Act be considered to have been the purchaser thereof, unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser, unless it shall be proved that he inherited the same; and in like manner the last person from whom the land shall be proved to have been inherited shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same.

3. When any land shall have been devised by any testator who shall die after the thirty-first day of December one thousand eight hundred and fifty-nine to the heir, or to the person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee and not by descent; and when any land shall have been limited by any assurance executed after the said thirty-first day of December one thousand eight hundred and fifty-nine to the person or to the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

Heir entitled under a will shall take as devisee, and a limitation to the grantor or his heirs shall create an estate by purchase.

4. When any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an assurance executed after the said thirty-first day of December one thousand eight hundred and fifty-nine, or under a limitation to the heirs or to the heirs of the body of any of his ancestors, or under any limitation having the same effect, contained in a will of any testator who shall depart this life after the said thirty-first day of December one thousand eight hundred and fifty-nine, then and in any of such cases such lands shall descend and the descent thereof shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

Where heirs take by purchase under limitations to the heirs of their ancestors.

5. No brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

Brothers, &c. shall trace descent through their parent.

6. Every lineal ancestor shall be capable of being heir to any of his issue; and in every case when there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of there being no descendant of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue other than a nearer lineal ancestor or his issue.

Lineal ancestor may be heir in preference to collateral persons claiming through him.

7. None of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed; and also no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed; and no female maternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

The male line to be preferred.

8. Where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestor, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there shall be a failure of male maternal ancestors of such person, and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male maternal ancestor and her descendants.

The mother of more remote male ancestor to be preferred to the mother of the less remote male ancestor.

9. Any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his heir, and the place in which any such relation by the half blood shall stand in the order of inheritance so as to be entitled to inherit shall be next after any relation in the same degree of the whole blood, and his issue, where the common ancestor shall be a male, and

Half blood.

next after the common ancestor where such common ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father, and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

10. When the person from whom the descent of any lands to be traced shall have had any relation who, having been attainted, shall have died before such descent shall have taken place, then such attainer shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such land shall have escheated in consequence of such attainer before the first day of January one thousand eight hundred and sixty.

11. This Act shall not extend to any descent which shall take place on the death of any person who shall die before the said first day of January one thousand eight hundred and sixty.

12. When any assurance executed before the first day of January one thousand eight hundred and sixty, or the will of any person who shall die before that day, shall contain any limitation or gift to the heir or heirs of any person under which the person or persons answering the description of heir shall be entitled to an estate by purchase, then the person or persons who would have answered such description of heir if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as ancestor shall or shall not be living on or after the said first day of January one thousand eight hundred and sixty.

No. 150.

AN ACT to amend the Law relating to Forgery.

[Dated 12th November 1859; Left to its operation by Order in Council dated 23rd January 1860.]

BE it enacted by the Governor, Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

Forging, &c. seal of the Island, Royal sign manual, felony.

1. If any person shall forge or counterfeit, or shall utter knowing the same to be forged or counterfeited, the seal of this Island, or the Royal sign manual, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years.

Bank notes, promissory notes, bills of exchange, &c.

2. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any note or bill of exchange of any chartered bank within this Island, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any endorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, or any bill of exchange, or any promissory note for the payment of money, or any endorsement or assignment of any bill of exchange, or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, cheque, or order for the payment of money, with intent in any of the cases aforesaid to defraud, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years.

Felony.

Wills, &c.

3. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or

testamentary writing, with intent in any of the cases aforesaid to defraud, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years. Felony.

4. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any ticket from the Secretary's office in this Island, or any certificate from any churchwarden or justice of the peace in this Island, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years. Ticket from the Secretary's office, certificates from churchwarden or justice of the peace, misdemeanor.

5. If any person shall wilfully make any false entry in, or wilfully alter any word or figure in any of the books of account kept by any chartered bank in this Island, in which books the accounts of the owners of any stock shall be entered or kept, or shall in any manner wilfully falsify the accounts of such owners in any of the said books, with intent in any of the cases aforesaid to defraud, or if any person shall wilfully make any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years. False entries, &c., making of, in books of account of chartered banks.

Transfer of stock, making with intent to defraud.

Felony.

6. If any person shall forge or alter, or shall utter knowing the same to be forged or altered, any transfer of any share or interest of or in any stock of any chartered bank in this Island, or of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter or Act of Legislature of this Island, with intent in any of the cases aforesaid to defraud, or if any person shall falsely and deceitfully personate any owner of any such share or interest as aforesaid, and thereby transfer any share or interest belonging to such owner as if such person were the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years. Forging, &c. transfer of any share, &c. in any stock of any chartered bank, &c., or falsely personating any owner of such share, &c.

Felony, and punishment.

7. If any person shall forge or alter, or shall utter knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any stock of any chartered bank in this Island, or of or in the capital stock of any body, corporate company, or society which now is or hereafter may be established by Royal charter or by Act of Parliament or of the Legislature of this Island, or to receive any dividend payable in respect thereof, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend payable in respect thereof by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years. Forging, &c.
Power of attorney to transfer any share, &c. in any stock of any body corporate, &c.

Felony.

8. If any person shall falsely and deceitfully personate any owner of any share or interest of or in any stock of any chartered bank in this Island, or any owner of any share or interest of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter or Act of Parliament, or of the Legislature of this Island, or any owner of any dividend payable in respect of any such share or interest as aforesaid, and shall thereby endeavour to transfer any share or interest belonging to any such owner, or thereby endeavour to receive any money due to any such

Falsely, &c. personating any owner of any share of stock, &c. with intent to transfer or receive same.

Felony.

owner, as if such offender were the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years.

Forging the handwriting of a witness to a power of attorney to transfer stock, &c.

9. If any person shall forge the name or handwriting of any person as or purporting to be a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock or capital stock as is herein-before mentioned, or to receive any dividend payable in respect of any such share or interest, or shall utter any such power of attorney or other authority, with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years nor less than one year.

Felony.

Making out dividend warrants for a greater or less amount with intent to defraud.

10. If any clerk, officer, or servant of, or other person employed or intrusted by any chartered bank or banks in this Island shall knowingly make out or deliver any dividend warrant for a greater or less amount than the person or persons on whose behalf such dividend warrant shall be made out, is or are entitled to, with intent to defraud, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years nor less than one year.

Felony.

Forging, &c. deeds, bonds, receipt for money or goods, notes, bills, &c.

11. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, bond, or writing obligatory, or any acquittance or receipt either for money or goods (or any accountable receipt either for money or goods), or for any note, bill, or other security for payment of money, or any warrant, order, or request for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for payment of money, with intent to defraud, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years.

Felony.

Acknowledging recognizance or bail in any judgment or deed to be rendered in the name of any person not privy.

12. If any person shall before any court, judge, or other person lawfully authorized to take any recognizance or bail acknowledge any recognizance or bail in the name of any other person not privy or consenting to the same, whether such recognizance or bail in either case be or be not filed, or if any person shall in the name of any other person not privy or consenting to the same acknowledge any confession of action, or any judgment, or any deed to be recorded, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years.

Felony.

Forged bank notes, &c. having possession of, knowing them to be forged.

13. If any person shall without lawful excuse, the proof whereof shall lie upon the party accused, purchase or receive from any other person or have in his custody or possession any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same respectively to be forged, every such offender shall be guilty of felony, and being convicted thereof shall be imprisoned for any term not exceeding three years nor less than one year.

Felony.

Frames, moulds, or instruments for the manufacture of paper, with the name, &c. of any chartered bank, &c. having possession thereof without lawful authority, or dealing

14. If any person shall make or use any frame, mould, or instrument for the manufacture of paper, with the name, style, or title of any chartered bank in this Island, or with the name or firm of any person or persons, body corporate, or company carrying on the business of bankers appearing visible in the substance of the paper, without the authority of such chartered bank, person or persons, body corporate or company, the proof of which authority shall lie on

the party accused, or if any person shall without lawful excuse, the proof whereof shall lie on the party accused, knowingly have in his custody or possession any such frame, mould, or instrument, or if any person shall without such authority, to be proved as aforesaid, manufacture, use, sell, expose to sale, utter or dispose of, or shall without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession any paper in the substance of which the name, style, or title of any such chartered bank or banks, person or persons, body corporate or company carrying on the business of bankers, shall appear visible, or if any person shall without such authority, to be proved as aforesaid, cause the name, style, or title, or firm of any such person or persons, body corporate, or company carrying on the business of bankers, to appear visible in the substance of the paper upon which the same shall be written or printed, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years nor less than one year.

with same as herein mentioned.

Felony.

15. If any person shall engrave or in anywise make upon any plate whatever, or upon any wood, stone, or other material, any bill of exchange or promissory note for the payment of money, or any part of any bill of exchange or promissory note for the payment of money purporting to be the bill or note or part of the bill or note of any chartered bank in this Island, or of any person or persons, body corporate, or company carrying on the business of bankers, without the authority of such chartered bank, person or persons, body corporate or company, the proof of which authority shall lie on the party accused, or if any person shall engrave or make upon any plate whatever, or upon any wood, stone, or other material, any word or words resembling or apparently intended to resemble any subscription subjoined to any bill of exchange or promissory note for the payment of money issued by any such chartered bank or banks, person or persons, body corporate, or company carrying on the business of bankers, without such authority, to be proved as aforesaid, or if any person shall without such authority, to be proved as aforesaid, use or shall without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession any plate, wood, stone, or other material, upon which any such bill or note or part thereof, or any word or words resembling or apparently intended to resemble such subscription, shall be engraved or made, or if any person shall without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession any paper upon which any part of such bill or note, or any word or words resembling or apparently intended to resemble any such subscription shall be made or printed, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years nor less than one year.

Engraving, &c. bills of exchange, promissory note, &c., purporting to be the bill or note, &c. of any chartered bank, &c. without authority, or dealing with same or with the other matters herein described in the manner herein mentioned.

Felony.

16. If any person shall engrave, or in anywise make upon any plate whatever, or upon any wood, stone, or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatever language or languages the same may be expressed, and whether the same shall or shall not be or be intended to be under seal, purporting to be the bill, note, undertaking, or order, or part of the bill, note, undertaking, or order of any foreign prince or state (or of any minister or officer in the service of any foreign prince or state), or of any body corporate, or body of the like nature constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of Her

Engraving, &c. bill of exchange, &c. of any foreign prince or state, &c. without authority, or dealing with same or other matters herein described in the manner herein mentioned.

Majesty, Her heirs or successors, without the authority of such foreign prince or state, minister, or officer, body corporate, or body of the like nature, person, or company of persons, the proof of which authority shall lie on the party accused, or if any person shall without such authority, to be proved as aforesaid, use, or shall, without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession any plate, stone, wood, or other material, upon which any such foreign bill, note, undertaking, or order, or any part thereof, shall be engraved or made, or if any person shall without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession any paper upon which any part of such foreign bill, note, undertaking, or order shall be made or printed, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years nor less than one year.

Felony.

Register of baptisms, marriages, or burials, making false entries in, or forging or altering any entry or copy of any entry, or destroying, defacing, &c. or forging or altering any marriage licence.

17. If any person shall knowingly and wilfully insert or cause or permit to be inserted in any register of baptisms, marriages, or burials, which hath been or shall be made or kept by the rector, curate, or officiating minister of any parish, district, or chapelry in this Island, or by any other party authorized by any Act of this Island, any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter in any such register any entry of any matter relating to any baptism, marriage, or burial, or shall utter any writing as and for a copy of an entry in any such register of any matter relating to any baptism, marriage, or burial, knowing such writing to be false, forged, or altered, or if any person shall utter any entry in any such register of any matter relating to any baptism, marriage, or burial, knowing such entry to be false, forged, or altered, or shall utter any copy of such entry, knowing such entry to be false, forged, or altered, or shall wilfully destroy, efface, or injure, or cause or permit to be destroyed, effaced, or injured, any such register, or any part thereof, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any licence of marriage, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years nor less than two years.

Felony.

Rectors, &c. discovering errors in the entry of any baptism, &c. in the manner herein mentioned not liable to penalties.

18. Provided always, That no rector, curate, or officiating minister of any parish, district, or chapelry, or other person authorized as aforesaid, who shall discover any error in the form or substance of the entry in the register of any baptism, marriage, or burial respectively by him solemnized, shall be liable to any of the penalties herein mentioned, if he shall within one calendar month after the discovery of such error, in presence of the parent or parents of the child baptized or of the parties married, or in the presence of two persons who shall have attended at any burial, or in the case of the death or absence of the respective parties aforesaid, then in the presence of the churchwarden or chapelwarden, or a justice of the peace, correct the entry which shall have been found erroneous, according to the truth of the case, by entry in the margin of the register wherein such erroneous entry shall have been made, without any alteration or obliteration of the original entry, and shall sign such entry in the margin and add to such signature the day of the month and year when such correction shall be made, and such correction and signature shall be attested by the parties in whose presence the same are directed to be made as aforesaid.

Principals in the second degree and accessories how punished.

No. 194.

19. In case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree by this Act is punishable, and every accessory after the fact to any felony punishable under this Act shall on conviction be liable to be imprisoned for any term not exceeding two years.

20. Where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the court or judge before which the offender is tried to sentence the offender to be imprisoned with or without hard labour, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at any one time and not exceeding three months in any one year, as to the court or judge in its or his discretion shall seem meet.

Hard labour and solitary confinement as herein mentioned may be ordered where imprisonment is awarded.

21. Where "the having any matter in the custody or possession of any person" is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

Interpretation of the words "having any matter in the custody or possession of any person."

22. Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person shall within this Island forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter in whatsoever place or country out of this Island, whether under the dominion of Her Majesty, Her heirs or successors, or not, such writing or matter may purport to be made or may have been made, and in whatever language or languages the same or any part thereof may be expressed, every such person and every person aiding, abetting, or counselling such person shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made within this Island, and if any person shall within this Island forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange or any promissory note for the payment of money, or any indorsement on or any assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, or order for the payment of money, or any deed, bond, or writing obligatory for the payment of money, whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose, in whatever place or country out of this Island, whether under the dominion of Her Majesty, Her heirs or successors, or not, the money payable or secured by such bill, note, undertaking, warrant, order, deed, bond, or writing obligatory, may be or may purport to be payable, and in whatever language or languages the same or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, or order be or be not under seal, every such person and every person aiding, abetting, or counselling such person shall be deemed to be an offender within the meaning of this Act, and shall be punishable in the same manner as if the money had been payable or had purported to be payable within this Island.

Forging or altering, &c. in this Island any writing, &c. made or purporting to be made in any place or country whatsoever deemed an offence within the meaning of this Act.

23. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any instrument or writing designated by any special name or description, and such instrument or writing, however designated, is in law a will, testament, codicil, or testamentary writing, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of

Forging, &c. instrument, however designated, if the same be a will, note, &c. subjects offender to be punished as for forging a will, &c.

money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, or request for the payment of money, within the true intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act and punished accordingly.

Obliteration or alteration of books of Treasurer or provost marshal.

Sed vide No. 192, s. 27.

Preceding section not to affect remedy of party aggrieved.

24. If any person shall unlawfully and maliciously obliterate, alter, erase, injure, or destroy any book now or hereafter directed by law to be kept by the public Treasurer or provost marshal, or any entry therein, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to suffer such punishment by fine or imprisonment, with or without hard labour, or by both, as the court shall award, and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

25. Nothing in the preceding section relating to any misdemeanor therein mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed, but the conviction of any such offender shall not be received in evidence in any action at law or in equity against him, and no person shall be liable to be convicted of any such misdemeanor by any evidence whatever, or in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act on oath in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been *bond fide* instituted by any party aggrieved.

This Act not to affect Acts Nos. 89, 125, 132, 135.

26. Nothing in this Act contained shall repeal or affect the provisions of the Act passed in the year 1844, intituled "An Act to repeal in part an Act, intituled 'An Act for dividing the Island into Parishes, and Maintenance of 'Ministers and the Poor, and erecting and repairing Churches,' to declare the 'Legality of Marriages performed by other Ministers than those of the 'Established Church, and for the due Regulation of the same,' or of the Act passed in the year 1856, intituled "An Act for registering Births and Deaths," or of the Acts passed in the year 1857, intituled respectively "An Act to amend the Law of Evidence," and "An Act for [further] improving the "Administration of Criminal Justice."

No. 151.

AN ACT to naturalize Antonio Henrique and Antonio Marques Deadradre.

[Dated 18th November 1859; Confirmed by Order in Council dated 22nd February 1860.]

WHEREAS Antonio Henrique, [native of Portugal, and Antonio Marques Deadradre, native of Madcira, but at present and for some years past domiciled and settled in this Island, have by their petition to the Legislature set forth the disadvantages and disabilities under which they labour as foreigners, and have prayed to be naturalized: And whereas it is expedient to promote the settlement of industrious foreigners in this Island by securing to them the fruit of their industry: And whereas the said Antonio Henrique and Antonio Marques Deadradre have respectively taken the oath of allegiance before his Excellency the Lieutenant-Governor, as appears by the certificates which have been laid before the Council and Assembly:

Be it therefore enacted by the Governor, Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same, That from and after the allowance and confirmation of this Act by Her Majesty, the said Antonio Henrique and Antonio Marques Deadradre respectively shall be and they are hereby thenceforward naturalized within the said Island of Antigua, and shall be reputed and taken to be liege subjects of Her Majesty.

No. 152.

AN ACT for the summary Punishment of Riotous and Disorderly Conduct.

[Dated 22nd December 1859; Left to its operation by Order in Council dated 22nd February 1860.]

Be it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows :

1. Every person who shall be guilty of riotous or disorderly conduct, or who shall use any threatening, abusive, or insulting words or behaviour to any other person, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, or who shall use any profane, indecent, or obscene language in any public thoroughfare or any public place, to the annoyance of the inhabitants or passengers, or in any place, to the annoyance of the public or the neighbourhood, or of any person using any public thoroughfare, shall on conviction thereof before *any justice of the peace* be liable to be imprisoned in the common gaol for a period not exceeding thirty days, with or without hard labour, or to the payment of a fine or penalty to Her Majesty, Her heirs or successors, not exceeding forty shillings, and in default of payment to be imprisoned in the common gaol for a period not exceeding forty days.

Riotous and disorderly conduct, &c. how punished.

No. 117, ss. 1, 3.

No. 169, s. 33.

No. 153.

AN ACT to enable the Court of Common Pleas to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims.

[Dated 5th January; Left to its operation by Order in Council dated 26th March 1860.]

WHEREAS it sometimes happens that a person sued at law for the recovery of money or goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in equity against the plaintiff and such third party, usually called a bill of interpleader, which is attended with expense and delay, for remedy thereof: Be it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows :

1 & 2 Will. 4. c. 58.

1. Upon application made by or on the behalf of any defendant sued in the Court of Common Pleas in any action of assumpsit, debt, detinue, or trover, such application being made after declaration and before plea, by affidavit or otherwise, showing that such defendant does not claim any interest in the subject

Upon application by defendant in certain actions stating that the right and subject matter is in third

party court or judge may order such third party to appear.

matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not in any manner collude with such third party, but is ready to bring into court or to pay or dispose of the subject matter of the action in such manner as the court or the judge thereof may order or direct, it shall be lawful for the court or the judge thereof to make rules and orders calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well of such third party as of the plaintiff, and in the meantime to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be plaintiff or defendant in such trial, or with the consent of the Plaintiff and such third party, their counsel or attorneys, to dispose of the merits of their claims and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

Judgment and decision to be final.

2. The judgment in any such action or issue as may be directed by the court or judge, and the decision of the court or judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from, and under them, except as herein-after mentioned.

If such third party shall not appear the court or judge may bar his claim against defendant.

3. If such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the court or judge to declare such third party and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original defendant, his executors or administrators, saving nevertheless the right or claim of such third party against the plaintiff, and thereupon to make such order between such defendant and the plaintiff as to costs and other matters as may appear just and reasonable.

For relief of provost marshal and other officers in execution of process against goods and chattels. 1 & 2 Will. 4. c. 58, s. 6. 1 & 2 Vict. c. 45, s. 2.

4. And whereas difficulties sometimes arise in the execution of process against goods and chattels issued by or under the authority of the said court by reason of claims made to such goods and chattels by persons not being the parties against whom such process has issued, whereby the provost marshal and other officers are exposed to the hazard and expense of actions, and it is reasonable to afford relief and protection in such cases to such provost marshal and other officers: Be it enacted, That when any such claim shall be made to any goods or chattels taken or intended to be taken in execution under any such process, or to the proceeds or value thereof, it shall and may be lawful to and for the said court or the judge thereof, upon application of such provost marshal or other officer made before or after the return of such process, and as well before as after any action brought against such provost marshal or other officer, to call before the court or the judge thereof by rule or order as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the provost marshal or other officer all or any of the powers and authorities herein-before contained, and make such rules and decisions as shall appear to be just according to the circumstances of the case, and the costs of all such proceedings shall be in the discretion of the court or judge.

Orders out of court may be rescinded or varied in open court.

5. Every order not made in court under this Act shall be liable to be rescinded or altered by the court in like manner as other orders made out of court.

6. A minute of all final rules, orders, and decisions to be made in pursuance of this Act shall be entered by the Secretary in the docket book of judgments, and every such rule or order so entered shall have the force and effect of a judgment, but shall not bind lands, tenements, or hereditaments; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his counsel, agent, or attorney, execution may issue for the same by *Fieri facias* or *Capias ad satisfaciendum* adapted to the case, together with the costs of such execution, and the like fees or costs shall be paid to the provost marshal or other officer for executing such writ as upon any similar writ granted upon a judgment of the court.

Final orders to be entered in docket book of judgments. No. 33, s. 83. Execution for costs.

7. It shall be lawful for any person aggrieved by any judgment, rule, order, or decision of the said Court of Common Pleas or the judge thereof made under this Act, except the same shall have been made by consent, to appeal therefrom, subject to the laws, rules, restrictions, and regulations governing appeals from any other judgment or decision of the said court or judge.

Appeal from order or decision of court or judge.

No. 154.

AN ACT to prevent unauthorized Persons from carrying Arms, and to regulate the Licence for shooting Game.

[Dated 5th January; Left to its operation by Order in Council dated 26th March 1860.]

BE it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

1. It shall not be lawful for any person to carry for use beyond his own premises, or beyond the premises on which he may reside, any musket, fowling-piece, or other firearms, unless such person shall have previously taken out a licence under the hand of the Treasurer, which licence the Treasurer is hereby authorized to grant on payment of ten shillings, and which licence shall endure for the space of one year, and the Treasurer shall once in every quarter publish in the contract newspaper a list of the persons to whom any such licence shall have been granted, with the date thereof.

Regulations as to licence for use of firearms.

2. If any person shall be convicted before any justice of the peace of any offence against the provisions of this Act, it shall be lawful for such justice to fine the offender in any sum not exceeding two pounds ten shillings, and in default of payment to commit such offender to the common gaol for any period not exceeding fourteen days, unless such fine shall be sooner paid; one moiety of such fine to be paid to the public Treasurer for the public uses of the Colony, and the other moiety to the informer, who is hereby declared to be a competent witness.

Penalties for offence against provisions of Act.

No. 169, s. 33.

3. It shall not be lawful for any person to use firearms on the Sabbath day.

Firearms not to be used on Sabbath day

4. Nothing in this Act shall apply to any officer, soldier, or sailor in Her Majesty's army or navy, or in the militia of this Colony, when on duty or going to or returning from duty.

Act not to apply to Her Majesty's army or navy or militia on duty.

No. 155.

AN ACT to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy.

[Dated 5th January; Left to its operation by Order in Council dated 9th June 1860.]

BE it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows, that is to say :

When tenant or occupier of premises where there is no rent, or where the rent does not exceed 20*l.* a year, refuses to give possession the landlord may give him notice of his intention to proceed to recover possession under this Act.

No. 169, ss. 33, 34.

If tenant does not appear or fails to show cause why he does not give possession the justices may issue their warrant directing the constables to give the landlord possession.

1. From and after the passing of this Act, when 'and so soon as the term or interest of the tenant of any house, land, or other corporeal hereditaments held by him at will or for any term not exceeding seven years, either without being liable to the payment of any rent or at a rent not exceeding the rate of twenty pounds a year, shall have ended, or shall have been duly determined by a legal notice to quit or otherwise, and such tenant or (if such tenant do not actually occupy the premises, or only occupy a part thereof) any person by whom the same or any part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up possession of the premises or of such part thereof respectively, it shall be lawful for the landlord of the said premises or his agent to cause the person so neglecting or refusing to quit and deliver up possession to be served (in the manner herein-after mentioned) with a written notice in the form set forth in the Schedule to this Act, signed by the said landlord or his agent, of his intention to proceed to recover possession under the authority and according to the mode prescribed in this Act; and if the tenant or occupier shall not thereupon appear at the time and place appointed and show to the satisfaction of the justices herein-after mentioned reasonable cause why possession should not be given under the provisions of this Act, and shall still neglect or refuse to deliver up possession of the premises or of such part thereof of which he is then in possession to the said landlord or his agent, it shall be lawful for such landlord or agent to give to such justices proof of the holding and of the end or other determination of the tenancy, with the time and manner thereof, and where the title of the landlord has accrued since the letting of the premises, the right by which he claims the possession; and upon proof of service of the notice and of the neglect or refusal of the tenant or occupier, as the case may be, it shall be lawful for any two justices of the district, division, or place within which the said premises or any part thereof shall be situate to issue a warrant under their hands and seals to the constables and peace officers of the district, division, or place within which the said premises or any part thereof shall be situate, commanding them within a period to be therein named, not less than seven nor more than fifteen clear days from the date of such warrant, to enter (by force if needful) into the premises and give possession of the same to such landlord or agent: Provided always, that entry under or by virtue of such warrant shall not be made on Sunday, Good Friday, or Christmas Day, or at any time except between the hours of nine in the morning and four of the clock in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person on whose application and to whom any such warrant shall be granted from any action which may be brought against him by any such tenant or occupier for or in respect of such entry and taking possession where such person had not at the time of granting the same lawful right to the possession of the same premises: Provided also, that nothing herein contained shall affect any right to which any person may be entitled as outgoing tenant by the custom of the country or otherwise.

2. Such notice of application intended to be made under this Act may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the person so holding over as aforesaid, and the person serving the same shall read over the same to the person served or with whom the same shall be left as aforesaid, and explain the purport and intent thereof: Provided that if the person so holding over cannot be found, and the place of abode of such person shall either not be known or admission thereto cannot be obtained for serving such summons, the same shall be stuck or posted up on some conspicuous part of the premises so held, which shall be deemed to be good service upon such person.

The manner in which such summons shall be served.

3. In every case in which the person to whom any such warrant shall be granted had not at the time of granting the same lawful right to the possession of the premises, the obtaining of any such warrant as aforesaid shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant, and in case any such tenant or occupier will become bound with two sureties as herein-after provided, to be approved of by the said justices, in such sum as to them shall seem reasonable, regard being had to the value of the premises and to the probable cost of an action to sue the person to whom such warrant was granted with effect and without delay, and to pay all the cost of proceeding in such action in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action or become nonsuit therein, execution of the warrant shall be delayed until judgment shall have been given in such action of trespass, and if upon the trial of such action of trespass a verdict shall pass for the plaintiff, such verdict and judgment thereupon shall supersede the warrant so granted, and the plaintiff shall be entitled to double costs in the said action of trespass.

How execution of warrants of possession may be stayed.

4. Every such bond as herein-before mentioned shall be made to the said landlord or his agent at the cost of such landlord or agent, and shall be approved of and signed by the said justices, and if the bond so taken be forfeited, or if upon the trial of the action for securing the trial of which such bond was given the judge by whom it shall be tried shall not endorse upon the record in court that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action and recover thereon: Provided always, that the court where such action as last aforesaid shall be brought may by a rule of court give such relief to the parties upon such bond as may be agreeable to justice, and such rule shall have the nature and effect of a defeasance to such bond.

Proceedings on the bond in actions of trespass.

5. It shall not be lawful to bring any action or prosecution against the said justices by whom such warrant as aforesaid shall have been issued, or against any constable or peace officer by whom such warrant may be executed, for issuing such warrant or executing the same respectively, by reason that the person on whose application the same shall be granted had not lawful right to the possession of the premises.

Protection of justices, constables, &c.

6. Where the landlord at the time of applying for such warrant as aforesaid had lawful right to the possession of the premises or of the part thereof so held over as aforesaid, neither the said landlord nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may if he think fit bring an action on the case for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage with costs of suit: Provided that if the special damage so laid be not proved the defen-

Where landlord has a lawful title he shall not be deemed a trespasser by reason of irregularity, but be liable in an action on the case for special damages proceeding from irregularity.

dant shall be entitled to a verdict, and if proved, but assessed by the jury at any sum not exceeding five shillings, the plaintiff shall recover no more costs than damages, unless the judge before whom the trial shall have been held shall certify upon the back of the record that in his opinion full costs ought to be allowed.

Interpretation clause.

7. In construing this Act the word "premises" shall be taken to signify lands, houses, or other corporeal hereditaments; and the word "person" shall be taken to comprehend a body politic, corporate, or collegiate, as well as an individual; and every word importing the singular number shall where necessary to give full effect to the enactments herein contained be deemed to extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender shall where necessary extend and be applied to a female as well as a male; and the term "landlord" shall be understood to signify the person entitled to the immediate reversion of the premises, or if the property be held in joint tenancy, coparcenary, or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion; and the word "agent" shall be taken to signify any person usually employed by the landlord in the letting of the premises or in the collection of the rents thereof, or specially authorized to act in the particular matter by writing under the hand of such landlord.

SCHEDULE to which this Act refers.

FORM No. 1.

NOTICE of Owner's Intention to apply to Justices to recover Possession.

I (owner or agent to the owner, as the case may be,) do hereby give you notice, that unless peaceable possession of the tenement (*shortly describing it*) situate which was held of me, or of the said (*as the case may be*), under a tenancy from year to year (*or as the case may be*) which expired (*or was determined*) by notice to quit from the said (*or otherwise, as the case may be*), on the day of and which tenement is now held over and detained from the said be given to (*the owner or agent*) on or before the expiration of seven clear days from the service of this notice, I shall on next the day of at of the clock of the same day at apply to Her Majesty's justices of the peace acting for (*being the division, city, town, or place in which the said tenement or any part thereof is situated*) to issue their warrant directing the constables of the said division, city, town, or place to enter and take possession of the said tenement and to eject any person therefrom. Dated this

To Mr.

(Signed)

Owner or Agent.

FORM No. 2.

COMPLAINT before Two Justices.

The complaint of (owner or agent, &c., as the case may be,) made before us, two of Her Majesty's justices of the peace acting in and for the said Island, who saith that the said did let to a tenement consisting of for under the rent of, and that the said tenancy expired (*or was determined by*) notice to quit given by the said, as the case may be, on the day of, and that on the day of the said did serve on (*the tenant overholding*) a notice in writing of his intention to apply to recover possession of the said tenement (a duplicate of which notice is hereto annexed) by giving, &c. (*describing the mode in which the service was effected*), and that notwithstanding the

said notice the said refused (or neglected) to deliver up possession of the said tenement and still detains the same.

(Signed)

Taken the day of before us .

(A duplicate of the notice of intention to apply is to be annexed to this complaint.)

FORM No. 3.

WARRANT of PEACE OFFICER to take and give Possession.

Whereas (set forth the complaint) we, two of Her Majesty's justices of the peace acting in and for the said Island, do authorize and command you, on any day within days from the date hereof, (except on Sunday, Christmas Day, and Good Friday, to be added if necessary,) between the hours of nine in the forenoon and four of the clock in the afternoon, to enter (by force if needful), and with or without the aid of (the owner or agent, as the case may be), or any other person or persons whom you may think requisite to call to your assistance, into and upon the said tenement and to eject thereout any person, and of the said tenement full and peaceable possession to deliver to the said (the owner or agent).

Given under our hands and seals this day of .
To and all other constables and peace officers acting for the district of .

No. 156.

AN ACT to authorize the Appointment of an Executive Council and Administrative Committee for the Island of Antigua.

Vide Nos. 159, 222,
s. 3.

[Dated 25th July 1859; Confirmed by Order in Council dated 10th May 1860.]

WHEREAS the duties of the Privy Council of the Government of this Island have been and now are performed exclusively by the Legislative Council, and the administrative duties of the Government are in a great measure performed by joint committees of the Legislative Council and House of Assembly:

And whereas the interests of the public service would be promoted, and the constitution of this Island more assimilated to that of Great Britain, if an Executive Council were formed distinct and apart from the Legislative Council, and the administrative duties at present performed by joint committees performed by an administrative committee instead of the said joint committees: Be it therefore enacted by the Governor and the Council and Assembly:

1. That when this Act shall come into operation there shall be constituted an Executive Council of Government for the Island of Antigua, such Council to be composed of such persons, being members of the Legislative Council or members of the Assembly, as Her Majesty, Her heirs and successors, from time to time shall think fit to nominate and appoint; such Council shall be the Advising Council of the Governor, and all such persons so appointed to be of the Executive Council shall have and exercise the like powers, privileges, and authorities as are now exercised and enjoyed by the members of the present Council of the said Island when sitting or acting as a Privy Council.

Constitution and
appointment of Exe-
cutive Council.

2. That it shall be lawful for the Governor to nominate and appoint such persons as he shall deem fit, being members of the said Legislative Council, and of the said Assembly, to be members of such Executive Council until Her Majesty's pleasure be known, and to suspend all or any of the members of the said Council and to appoint others in their stead; but all such appointments

Governor may appoint
provisionally until the
Queen's pleasure be
known.

and suspensions shall be provisional and valid only until the signification of Her Majesty's pleasure thereon.

Powers, &c. conferred by the Act to be exercised by members of Executive only so long as they remain members of Legislature. Proviso, in case of dissolution or expiry of Assembly.

3. That all powers and authorities conferred by this Act upon members of the said Executive Council shall and may be exercised by such members so long as they shall remain and continue members of the said Legislative Council and Assembly, and no longer; and any member of the said Legislative Council or Assembly nominated to be of such Executive Council, on ceasing to be a member of the said Legislative Council or Assembly shall immediately thereupon cease to be a member of the said Executive Council: Provided always, that in the event of the dissolution or expiry of the present or any future Assembly, such members of the Executive Council as were members of the said Assembly at the time of such dissolution or expiry shall continue to be and shall continue to act as members of such Executive Council until another Assembly shall be summoned and shall meet, and until the expiration of one month from the first day of the first meeting of such Assembly, unless in the meantime members of the same shall be nominated and appointed to be of the Executive Council in their place and stead; or if such members be re-elected as members of the new Assembly, then and in such case they may continue to act as and to be members of the said Executive Council without any fresh appointment, unless other members shall be nominated and appointed in their place and stead.

Executive Council established by this Act to have all powers and authority at present conferred upon the "Council" or "Privy Council" by any former Act.

4. And whereas in and by various Acts the Governor, or Lieutenant-Governor, or officer administering the Government with "the Council," or "Privy Council," or by and with the advice or consent of the same, is authorized to do certain acts in pursuance of certain powers in said Acts respectively contained: Be it enacted, That whosoever in any Act already in force or hereafter to be in force within this Island the words "the Council" or "the Privy Council" are used, the same shall be construed to mean the Executive Council hereby authorized to be formed and appointed; and any act, matter, advice, consent, or thing had, made, done, or given by such Executive Council shall be deemed to be done in pursuance of the powers in any such Act contained or given to the Council or Privy Council, as the case may be; and any act, power, matter, or thing had, made, done, exercised, or consented to by the Governor, by and with the consent or advice of such Executive Council, shall be deemed to have been had, made, done, exercised, or consented to by him in pursuance of the power or authority in any such Act as aforesaid contained or given.

Appointment of administrative committee.

5. That it shall be lawful for the Governor and he is hereby required to appoint three persons, two of whom shall be members of the Assembly and one of whom shall be a member of the Legislative Council, to form with himself an administrative committee, and to revoke such appointments and appoint others in their stead, as occasion may require, subject to the provisions of this Act; and any member so appointed who shall forfeit, resign, or vacate his seat in the Legislative Council or Assembly shall *ipso facto* cease to be a member of the administrative committee: Provided that no member of the Assembly shall be disqualified from being a member of the administrative committee by reason of a dissolution of the House, but the members of the Assembly being members of the administrative committee shall continue after a dissolution of the House to be members of the administrative committee until a new House is formed, unless removed by the Governor: Provided always, that in the event of any such members being re-elected as members of such new Assembly, then and in such case they may without any fresh appointment continue to act as and to be members of the said administrative committee, unless other members shall be nominated and appointed in their place and stead.

6. That the duties of such members of the administrative committee so to be appointed shall be to assist the Governor in preparing annual estimates, in collecting and disbursing the public monies, and in the general administration of the finances of the country; and it shall be their duty when required collectively and individually to advise and assist the Governor in the general administration of the affairs of this Island, and when required by the Governor so to do to give their opinion and reasons in writing and at large on all matters submitted to them, or either of them, to advise or prepare and perfect all estimates of ways and means or expenditure, papers, answers, bills, or other proceedings which the Governor shall deem advisable to submit to either branch of the Legislature or to any person or persons; and the Governor may appoint by a minute under his hand, which shall be published in the newspapers of this Island and entered in the books of the administrative committee, any member of the said committee to perform any part of the general administration of the Island, and to vary or alter the particular service of any such member; the Governor shall, nevertheless, be responsible for the discharge of the Executive Government as heretofore, and the said administrative committee shall in no way dispense the patronage of the Crown.

7. That the members of the administrative committee in their respective Legislative Chambers shall be the official organs of communication between the Governor and the said Legislative Chambers.

8. That the Governor and the three members so to be appointed to the administrative committee shall form the "administrative committee," and any three members thereof appointed by the Governor shall discharge the duties of a board of audit, and the duties at present performed by the several committees of public accounts, public buildings, and any other administrative duties now performed by joint committees of the Legislative Council and House of Assembly; but they shall not expend a greater or other sum of money than that granted by the Legislature for purposes recited in the grant: That all motions for grants or appropriations of money shall originate in the House with the members of the administrative committee thereon, or with their sanction.

9. That all powers of the administrative committee shall exist in and out of session of the Legislature, and also during a dissolution of the House of Assembly.

10. That the Governor shall appoint a secretary to the said administrative committee, who shall also be secretary to the said Executive Council, and remove him at pleasure and appoint another in his stead; and whenever such secretary shall be removed from office or shall resign his appointment he shall deliver all books, papers, records, accounts, vouchers, and other documents in his possession or custody as such secretary to the secretary by whom he shall be succeeded, or failing so to do shall forfeit and pay to Her Majesty, for the public uses of this Colony, a penalty of five hundred pounds, to be recovered by action of debt in the Court of Common Pleas of this Island.

11. Repealed.

12. That quarterly accounts of the receipts and expenditure of the Colony shall be laid by the said administrative committee before the Board of Council and House of Assembly at their first meeting after the expiration of each quarter.

13. That all powers and duties now by any Act vested in or imposed on any joint committee of the Legislative Council and House of Assembly shall from and after the publication of this Act be vested in and imposed on the said administrative committee.

Duties of administrative committee.

[Appointed commissioners of immigration by No. 212.]

Members of committee to be official organs in the Legislature.

No. 168, s. 5.
Board of audit.
Expenditure.

Grants of money to originate with administrative committee.

Powers of committee to continue out of session of Legislature and during dissolution.

Appointment of secretary to committee and Council.

Quarterly accounts of revenue and expenditure of the Colony to be laid before Legislature by administrative committee.

All powers now by Act vested in any joint committee of the Legislature shall be vested in the administrative committee.

Act may be altered
during present session.
Operation of Act.

14. That this Act may be altered or amended during the present Session.

15. That this Act shall have no force or operation until the same shall have been ratified and confirmed by Her Majesty and such ratification and confirmation shall have been duly published.

No. 157.

AN ACT for the further Amendment of the Law and the better Advancement of Justice.

[Dated 2nd August; Left to its operation by Order in Council dated 26th October 1860.]

BE it enacted by the Governor, the Legislative Council, and Assembly of Antigua as follows :

Executors may bring
actions for injuries
to the real estate of
the deceased. 3 & 4
W. 4. c. 42, s. 2.

Actions may be
brought against exe-
cutors for an injury
to property real or
personal by their
testator.

Limitation of personal
actions.
No. 14, s. 13.
Post, s. 46.

Limitation of action
of debt on specialties.
3 & 4 Will. 4. c. 42, s. 3.
Post, s. 46.

1. An action may be maintained by the executors or administrators of any person deceased for any injury to the real estate of such person committed in his lifetime for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided that such action shall be brought within one year after the death of such person, and the damages when recovered shall be part of the personal estate of such person; and an action may be maintained against the executors or administrators of any person deceased for any wrong committed by him in his lifetime to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person, and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person.

2. All actions of trespass Quare clausum fregit, all actions of trespass, detinue, actions of trover and replevin for taking away goods and chattels, all actions of account and upon the case (other than for slander), and such actions of account as concern the trade of merchandise between merchant and merchant, their factors or servants, all actions of debt for arrearages of rent, and all actions of debt grounded upon any lending or contract without specialty, may be commenced and sued within three years after the passing of this Act, or within six years after the cause of such actions or suits, and not after: Provided that this enactment shall not revive or affect any claim or demand now barred by the Act passed in the year one thousand seven hundred and eighteen, intituled "An Act to quiet Possessors of Lands, to limit Actions, and avoid Suits in Law," or to which that Act could now be pleaded in bar.

3. All actions of debt for rent, upon an indenture of demise, all actions of covenant or debt upon any bond or other specialty, and all actions of debt or Scire facias upon any recognizance, and also all actions of debt upon any award where the submission is not by specialty, or for any escape, or for money levied upon any execution, and all actions for penalties, damages, or sums of money given to the party grieved by any statute now or hereafter to be in force that shall hereafter be sued or brought shall be commenced and sued within the time and limitation herein-after expressed, and not after; that is to say, the said actions of debt for rent, upon an indenture of demise or covenant, or debt upon any bond or other specialty, actions of debt or Scire facias upon recognizance,

within twenty years after the cause of such actions or suits, but not after; the said actions by the party grieved within two years after the cause of such actions or suits, but not after; and the said other actions within six years after the cause of such actions or suits, but not after: Provided that nothing in this section contained shall extend to any action given by any statute where the time for bringing such action is or shall be by any statute specially limited.

4. If any person or persons that is or are or shall be entitled to any such action or suit or to such *Scire facias* is or are or shall be at the time of any such cause of action accrued within the age of twenty-one years, feme covert, or *non compos mentis*, then such person or persons shall be at liberty to bring the same actions, so as they commence the same within such times after their coming to or being of full age, discover, or of sound memory, as other persons having no such impediment should according to the provisions of this Act have done; and if any person against whom there shall be any such cause of action is or shall be at the time of such cause of action accrued beyond the seas, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person within such times as are before limited after the return of such person from beyond the seas.

Remedy for infants, feme covert, &c.
3 & 4 Will. 4. c. 42, s. 4.
19 & 20 Vict. c. 97, ss. 10, 11.

Absence of defendants beyond the seas provided for.

5. Provided always, That if any acknowledgment shall have been made, either by writing signed by the party liable by virtue of such indenture, specialty, or recognizance, or his agent, or by part payment or part satisfaction on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining unpaid and so acknowledged to be due within twenty years after such acknowledgment by writing or part payment or part satisfaction as aforesaid; or in case the person or persons entitled to such actions shall at the time of such acknowledgment be under such disability as aforesaid, or the party making such acknowledgment be at the time of making the same beyond the seas, then within twenty years after such disability shall have ceased as aforesaid or the party shall have returned from beyond the seas, as the case may be; and the plaintiff or plaintiffs in any such action, or any indenture, specialty, or recognizance, may by way of replication state such acknowledgment and that such action was brought within the time aforesaid in answer to a plea of this statute.

Proviso in case of acknowledgment in writing or by part payment.
3 & 4 Will. 4. c. 42, s. 5.

6. If in any of the said actions judgment be given for the plaintiff, and the same be reversed or a verdict pass for the plaintiff, and upon a matter alleged in arrest of judgment the judgment be given against the plaintiff that he take nothing by his plaint, writ, or bill, in all such cases the party plaintiff, his executors or administrators, as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed or such judgment given against the plaintiff, and not after.

The limitation after judgment reversed.
3 & 4 Will. 4. c. 42, s. 6.

7. No plea in abatement for the nonjoinder of any person as a co-defendant shall be allowed in any court of common law unless it shall be stated in such plea that such person is resident within the jurisdiction of the court, and unless the place of residence of such person shall be stated with convenient certainty in an affidavit verifying such plea.

Restrictions as to plea in abatement for nonjoinder of a co-defendant.
3 & 4 Will. 4. c. 42, s. 8.

8. To any plea in abatement in any court of law of the nonjoinder of another person the plaintiff may reply that such person has been discharged by bankruptcy and certificate, or under an Act for the relief of insolvent debtors.

Reply of plaintiff to the said plea.
3 & 4 Will. 4. c. 42, s. 9.

9. It shall and may be lawful for the court or a judge at any time before the trial of any cause to order that any person or persons not joined as plaintiff or plaintiffs in such cause shall be so joined, or that any person or persons originally joined as plaintiff or plaintiffs shall be struck out from such cause, if it shall

Nonjoinder and misjoinder of plaintiff may be amended before trial.
15 & 16 Vict. c. 76, s. 34.

appear to such court or judge that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid consent either in person or by writing under his, her, or their hands to be so joined, or that the person or persons to be struck out as aforesaid were originally introduced without his, her, or their consent, or that such person or persons consent in manner aforesaid to be so struck out; and such amendment shall be made upon such terms as to the amendment of the pleadings (if any), postponement of the trial, and otherwise as the court or judge by whom such amendment is made shall think proper, and when any such amendment shall have been made the liability of any person or persons who shall have been added as co-plaintiff or co-plaintiffs shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such cause.

Nonjoinder and misjoinder of plaintiffs may be amended at the trial as in case of amendments of variances under this Act. 15 & 16 Vict. c. 76, s. 35.

10. In case it shall appear at the trial of any action that there has been a misjoinder of plaintiffs, or that some person or persons not joined as plaintiff or plaintiffs ought to have been so joined, and the defendant shall not at or before the time of pleading have given notice in writing that he objects to such nonjoinder, specifying therein the name or names of such person or persons, such misjoinder or nonjoinder may be amended as a variance at the trial by any court of record holding plea in civil actions, in like manner as to the mode of amendment and proceedings consequent thereon, or as near thereto as the circumstances of the case will admit, as in the case of amendments of variances under this Act, if it shall appear to such court that such misjoinder or nonjoinder was not for the purpose of obtaining an undue advantage and that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid consent either in person or by writing under his, her, or their hands to be so joined, or that the person or persons to be struck out as aforesaid were originally introduced without his, her, or their consent, or that such person or persons consent in manner aforesaid to be struck out; and such amendment shall be made upon such terms as the court shall think proper, and when any such amendment shall have been made, the liability of any person or persons who shall have been added as plaintiff or co-plaintiff shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such action.

Upon notice or plea of misjoinder of plaintiffs proceeding may be amended. 15 & 16 Vict. c. 76, s. 36.

11. In case such notice be given, or any plea in abatement of nonjoinder of a person or persons as co-plaintiff or co-plaintiffs, in cases where such plea in abatement may be pleaded, be pleaded by the defendant, the plaintiff shall be at liberty, without any order, to amend the writ and other proceedings before plea by adding the name or names of the person or persons named in such notice or plea in abatement, and to proceed in the action without any further appearance on payment of the costs of and occasioned by such amendment only, and in such case the defendant shall be at liberty to plead *de novo*.

Misjoinder of defendants may be amended before or at trial. 15 & 16 Vict. c. 76, s. 37.

12. It shall and may be lawful for the court or a judge in the case of the joinder of too many defendants in any action on contract at any time before the trial of such cause to order that the name or names of one or more of such defendants be struck out, if it shall appear to such court or judge that injustice will not be done by such amendment; and the amendment shall be made upon such terms as the court or judge by whom such amendment is made shall think proper, and in case it shall appear at the trial of any action on contract that there has been a misjoinder of defendants, such misjoinder may be amended as a variance at the trial in like manner as the misjoinder of plaintiffs has been herein-before directed to be amended, and upon such terms as the court by which such amendment is made shall think proper.

13. In any action on contract where the nonjoinder of any person or persons as a co-defendant or co-defendants has been pleaded in abatement, the plaintiff shall be at liberty without any order to amend the writ of summons and the declaration by adding the name or names of the person or persons named in such plea in abatement as joint contractors, and to serve the amended writ upon the person or persons so named in such plea in abatement, and to proceed against the original defendant or defendants, and the person or persons so named in such plea in abatement: Provided that the date of such amendment shall, as between the person or persons so named in such plea in abatement and the plaintiff, be considered for all purposes as the commencement of the action.

Upon plea in abatement for nonjoinder of defendants proceedings may be amended.

15 & 16 Vict. c. 76, s. 38.

14. In all cases after such plea in abatement and amendment, if it shall appear upon the trial of the action that the person or persons so named in such plea in abatement was or were jointly liable with the original defendant or defendants, the original defendant or defendants shall be entitled as against the plaintiff to the costs of such plea in abatement and amendment; but if at such trial it shall appear that the original defendant or any of the original defendants is or are liable, but that one or more of the persons named in such plea in abatement is or are not liable as a contracting party or parties, the plaintiff shall nevertheless be entitled to judgment against the other defendant or defendants who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs as against the plaintiff, who shall be allowed the same, together with the costs of the plea in abatement and amendment, as costs in the cause against the original defendant or defendants who shall have so pleaded in abatement the nonjoinder of such person: Provided that any such defendant who shall have so pleaded in abatement shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such plea in abatement.

Provision in the case of subsequent proceedings against the persons named in a plea in abatement for nonjoinder of defendants.

15 & 16 Vict. c. 76, s. 39.

15. In all actions upon bills of exchange, or promissory notes, or written instruments, any of the parties to which are designated by the initial letter or letters, or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration to designate such person by the same initial letter or letters, or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

Initials of names may be used in some cases.
3 & 4 W. 4. c. 42, s. 12.

16. No wager of law shall be hereafter allowed.

Wager of law.
3 & 4 W. 4. c. 42, s. 27.

17. An action of account shall be maintainable against the executors and administrators of every guardian, bailiff, and receiver, and also by one joint tenant and tenant in common, his executors and administrators against the other as bailiff for receiving more than comes to his just share or proportion, and against the executor and administrator of such joint tenant or tenant in common, and the auditors appointed by the court where such action shall be depending, shall be and are hereby empowered to administer an oath and examine the parties touching the matters in question, and for their pain and trouble in auditing and taking such account, have such allowance as the court shall adjudge to be reasonable, to be paid by the party on whose side the balance of the account shall appear to be.

Actions of account may be brought against executors of guardian, bailiff, &c.
4 Ann. c. 16, s. 27.

18. An action of debt on simple contract shall be maintainable in any court of common law against any executor or administrator.

Actions of debt on simple contract may be brought against executors.
3 & 4 W. 4. c. 42, s. 14.

19. Either party may call on the other party by notice to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, the costs of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge

Admission of documents.
15 & 16 Vict. c. 76, s. 117.

shall certify that the refusal to admit was reasonable, and no costs of proving any document shall be allowed unless such notice be given, except in cases where the omission to give the notice is in the opinion of the taxing officer a saving of expense.

Proof of admissions.
15 & 16 Vict. c. 76,
s. 118.

20. An affidavit of the attorney or counsel in the cause, or his clerk, of the due signature of any admissions made in pursuance of such notice and annexed to the affidavit, shall be in all cases sufficient evidence of such admissions.

Proof of notice to
produce.
15 & 16 Vict. c. 76,
s. 119.

21. An affidavit of the attorney in the cause, or his clerk, of the service of any notice to produce, in respect of which notice to admit shall have been given, and of the time when it was served, with a copy of such notice to produce annexed to such affidavit, shall be sufficient evidence of the service of the original of such notice and of the time when it was served.

Defendant to be al-
lowed to pay money
into court in certain
actions by judges
order.
3 & 4 W. 4. c. 42, s. 21.

22. It shall be lawful for the defendant in all actions (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauching of the plaintiff's daughter or servant), and by leave of the court or a judge upon such terms as it or he may think fit, for one or more of several defendants to pay into court a sum of money by way of compensation or amends.

Payment into court
how pleaded.
15 & 16 Vict. c. 76,
s. 71.

23. When money is paid into court, such payment shall be pleaded in all cases as near as may be in the following form *mutatis mutandis* :

'The defendant by his attorney (or in person, &c.) (if pleaded to part say as to £ parcel of the money claimed) brings into court the sum of £ , and says that the said sum is enough to satisfy the claim of the plaintiff in respect of the matter herein pleaded to.'

No order to pay
money into court.
15 & 16 Vict. c. 76,
s. 72.

24. No rule or judges order to pay money into court shall be necessary except in the case of one or more of several defendants, but the money shall be paid to the proper officer of the court who shall give a receipt for the amount in the margin of the plea, and the said sum shall be paid out to the plaintiff or to his attorney upon a written authority from the plaintiff on demand.

Proceeding by plain-
tiff after payment
into court.
15 & 16 Vict. c. 76,
s. 73.

25. The plaintiff, after the delivery of a plea of payment of money into court, shall be at liberty to reply to the same by accepting the sum so paid into court, in full satisfaction and discharge of the cause of action in respect of which it has been paid in, and he shall be at liberty in that case to tax his costs of suit, and in case of nonpayment thereof within forty-eight hours, to sign judgment for his costs of suit so taxed, or the plaintiff may reply that the sum paid into court is not enough to satisfy the claim of the plaintiff in respect of the matter to which the plea is pleaded, and in the event of an issue thereon being found for the defendant, the defendant shall be entitled to judgment and his costs of suit.

Allowing amendments
to be made on the
record in certain
cases.
3 & 4 W. 4. c. 42, s. 23.
Vide Act No. 71.

26. And whereas great expense is often incurred, and delay or failure of justice takes place at trials by reason of variances as to some particular or particulars between the proof and the record, or the setting forth on the record or document on which the trial is had of contracts, customs, prescriptions, names, and other matters or circumstances not material to the merits of the case, and by the misstatement of which the opposite party cannot have been prejudiced, and the same cannot in any case be amended at the trial except where the variance is between any matter in writing or in print produced in evidence and the record: And whereas it is expedient to allow such amendments as hercin-after mentioned to be made on the trial of the cause: Be it therefore enacted, that it shall be lawful for any court of record holding plea in civil actions, if such court shall see fit so to do, to cause the record, writ, or document on which any trial may be pending before any such court in any civil action, or in any information in the nature of a Quo warranto or proceeding on a Mandamus

when any variance shall appear between the proof and the recital or setting forth on the record, writ, or document on which the trial is proceeding of any contract, custom, prescription, name, or other matter in any particular or particulars in the judgment of such court not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution, or defence, to be forthwith amended by some officer of the court or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend on such terms as to payment of costs to the other party or postponing the trial to be had before the same or another jury, or both payment of costs and postponement as such court shall think reasonable; and in case such variance shall be in some particular or particulars in the judgment of such court not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action, prosecution, or defence, then such court shall have power to cause the same to be amended upon payment of costs to the other party, and withdrawing the record, or postponing the trial as aforesaid, as such court shall think reasonable; and after any such amendment the trial shall proceed in case the same shall be proceeded with in the same manner in all respects, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had appeared, and the order for the amendment shall be endorsed on the record or shall be engrossed on paper and filed among the records of the court.

27. The said court shall and may, if it think fit, in all such cases of variance, instead of causing the record or document to be amended as aforesaid, direct the jury to find the fact or facts according to the evidence, and thereupon such finding shall be stated on such record or document, and notwithstanding the finding on the issue joined, the said court shall, if it shall think the said variance immaterial to the merits of the case and the misstatement such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

28. Upon all debts or sums certain payable at a certain time or otherwise, the jury on the trial of any issue or on any inquisition of damages may, if they shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law.

29. The jury on the trial of any issue or on any inquisition of damages may, if they shall think fit, give damages in the nature of interest over and above the value of the goods at the time of the conversion or seizure in all actions of trover or trespass *de bonis asportatis*, and over and above the money recoverable in all actions on policies of insurance made after the passing of this Act.

30. In every action brought by any executor or administrator in right of the testator or intestate, such executor or administrator shall, unless the court in which such action is brought or a judge of the said court shall otherwise order, be liable to pay costs to the defendant in case of being nonsuited or a verdict passing against the plaintiff, and in all other cases in which he would be liable if such plaintiff were suing in his own right upon a cause of action accruing to himself; and the defendant shall have judgment for such costs, and they shall be recovered in like manner.

Power for the court to direct the facts to be found specially.
3 & 4 W. 4. c. 42, s. 24.

Jury empowered to allow interest on debts.
3 & 4 W. 4. c. 42, s. 28.

In certain actions the jury may give damages in the nature of interest.
3 & 4 W. 4. c. 42, s. 29.

Executors suing in right of the testator to pay costs.
3 & 4 W. 4. c. 42, s. 31.

Defendants having a Nolle prosequi or a verdict in any action shall have costs.
3 & 4 W. 4. c. 42, s. 32.

Where Nolle prosequi entered upon any count, &c.
3 & 4 W. 4. c. 42, s. 33.

Plaintiff in Seire facias, and plaintiff or defendant in demurrer to have costs.
3 & 4 W. 4. c. 42, s. 34.

Executors of lessor may distrain for arrears in his lifetime.
3 & 4 W. 4. c. 42, s. 37.

Arrears may be distrained for within six months after determination of term.
3 & 4 W. 4. c. 42, s. 38.

Nos. 31, 34.

Persons acquiring title to goods before they have seized under a writ against the seller protected.
19 & 20 Vict. c. 97, s. 1.

Consideration for guarantee need not appear by writing.
19 & 20 Vict. c. 97, s. 3.

No. 29, s. 1.

Guarantee to or for a firm to cease upon a change in the firm, except in special cases.
19 & 20 Vict. c. 97, s. 4.

31. Where several persons shall be made defendants in any personal action, and any one or more of them shall have a Nolle prosequi entered as to him or them, or upon the trial of such action shall have a verdict pass for him or them, every such person shall have judgment for and recover his reasonable costs, unless in the case of a trial the judge before whom such cause shall be tried shall certify upon the record under his hand that there was reasonable cause for making such person a defendant in such action.

32. Where any Nolle prosequi shall have been entered upon any count, or as to part of any declaration, the defendant shall be entitled to and have judgment for and recover his reasonable costs in that behalf.

33. In all writs of Seire facias, the plaintiff on obtaining judgment on an award of execution shall recover his costs of suit upon a judgment by default, as well as upon a judgment after plea pleaded, or demurrer joined; and where judgment shall be given either for or against a plaintiff or defendant, or for or against a defendant or tenant upon any demurrer joined in any action whatever, the party in whose favour such judgment shall be given shall also have judgment to recover his costs in that behalf.

34. It shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

35. Such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined; provided that such distress be made within six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due: Provided also, that all and every the powers and provisions in the several statutes made relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

36. No writ of execution against the goods of a debtor shall prejudice the title to such goods acquired by any person *bona fide* and for a valuable consideration before the actual seizure thereof by virtue of such writ, provided such person had not at the time when he acquired such title, notice that such writ or any other writ, by virtue of which the goods of such owner might be seized, had been delivered to and remained unexecuted in the hands of the provost marshal or coroner.

37. No special promise to be made by any person after the passing of this Act to answer for the debt, default, or miscarriage of another person, being in writing and signed by the party to be charged therewith, or some other person by him thereunto lawfully authorized, shall be deemed invalid to support an action, suit, or other proceeding to charge the person by whom such promise shall have been made by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

38. No promise to answer for the debt, default, or miscarriage of another made to a firm consisting of two or more persons, or to a single person trading under the name of a firm, and no promise to answer for the debt, default, or miscarriage of a firm consisting of two or more persons, or of a single person trading under the name of a firm, shall be binding on the person making such promise in respect of anything done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the firm, or in the person trading under the name of a firm, unless the intention of the parties that such promise shall continue to be binding notwithstanding such change

shall appear either by express stipulation or by necessary implication from the nature of the firm or otherwise.

39. Every person who being surety for the debt or duty of another, or being liable with another for any debt or duty, shall pay such debt or perform such duty, shall be entitled to have assigned to him, or to a trustee for him, every judgment, specialty, or other security, which shall be held by the creditor in respect of such debt or duty, whether such judgment, specialty, or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty, and such person shall be entitled to stand in the place of the creditor, and to use all remedies, and if need be, and upon a proper indemnity, to use the name of the creditor in any action or other proceeding, at law or in equity, in order to obtain from the principal debtor, or any co-surety, co-contractor, or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who shall have so paid such debt or performed such duty, and such payment or performance so made by such surety shall not be pleadable in bar of any such action or other proceeding by him: Provided always, that no co-surety, co-contractor, or co-debtor shall be entitled to recover from any other co-surety, co-contractor, or co-debtor by the means aforesaid more than the just proportion to which as between those parties themselves such last-mentioned person shall be justly liable.

40. No acceptance of any bill of exchange, whether inland or foreign, made after the passing of this Act, shall be sufficient to bind or charge any person, unless the same be in writing on such bill, or if there be more than one part of such bill on one of the said parts, and signed by the acceptor or some person duly authorized by him.

41. All actions of account or for not accounting and suits for such accounts as concern the trade of merchandise between merchant and merchant, their factors or servants, shall be commenced and sued within six years after the cause of such actions or suits, or when such cause has already arisen then within six years after the passing of this Act; and no claim in respect of a matter which arose more than six years before the commencement of such action or suit shall be enforceable by action or suit by reason only of some other matter of claim comprised in the same account having arisen within six years next before the commencement of such action or suit.

42. Whereas by an Act passed in the year one thousand six hundred and seventy-six, intituled "An Act for the establishing and confirming of Inhabitants of this Island in their Titles to their Lands," it was enacted that in actions concerning the titles of lands, it shall be a good plea in bar to such action for the defendant to allege that he and they whose estate he hath, have been in quiet and peaceable possession of the land in question for and during the space of five years, and this plea duly entered shall bar the plaintiff or demandant unless as in the said Act is stated: Be it enacted, That actions to recover any land, or rent, or arrears of dower, or damages on account of such arrears, or any arrears of rent or of interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy or damages in respect of such arrears of rent or interest, may be brought within the periods severally allowed by the Act of Parliament of the third and fourth years of the reign of King William the Fourth, chapter twenty-seven, as altered or amended by the act of the nineteenth and twentieth years of the reign of Her present Majesty, chapter ninety-seven, section ten, and not after, and the said Act of Parliament so altered or amended as aforesaid shall hereafter be deemed to be in force in this Colony; provided

A surety who discharges the liability to be entitled to assignment of all securities held by the creditor.
19 & 20 Vict. c. 97, s. 5.

Acceptance of a bill inland or foreign to be in writing on it and signed by the acceptor or his agent.
19 & 20 Vict. c. 97, s. 6.

Limitation of actions for "merchants accounts."
19 & 20 Vict. c. 97, s. 9.

Recites No. 5.

Limitation of actions for land, rent, dower. Interest charged on land or rent.

that nothing in the said Act or in this section contained shall revive any claim, or any right of action, or suit now barred, or enable any person to make any entry or distress, or bring any action or suit to recover any land or rent, arrears of dower, rent or interest, or any damages, whose right to make any such entry or distress, or bring any such action or suit, is or except for this Act would be barred by the said Act of the year one thousand six hundred and seventy-six or any other Act of the Legislature of this Colony.

Absence beyond seas or imprisonment of a creditor not to be a disability.
19 & 20 Vict. c. 97, s. 10.

43. No person or persons who shall be entitled to any action or suit with respect to which the period of limitation within which the same shall be brought is fixed by this Act, shall be entitled to any time within which to commence and sue such action or suit beyond the period so fixed for the same by this Act, by reason only of such person or some one or more of such persons being at the time of such cause of action or suit accrued beyond the seas, or in the cases in which by virtue of this Act imprisonment is now a disability, by reason of such person or some one or more of such persons being imprisoned at the time of such cause of action or suit accrued.

Period of limitation to run as to joint debtors in the Colony though some are beyond seas. Judgment recovered against joint debtors in the Colony to be no bar to proceedings against others beyond seas after their return.
19 & 20 Vict. c. 97, s. 11.

44. Where such cause of action or suit with respect to which the period of limitation is fixed by this Act lies against two or more joint debtors, the person or persons who shall be entitled to the same shall not be entitled to any time within which to commence and sue any such action or suit against any one or more of such joint debtors who shall not be beyond the seas at the time such cause of action or suit accrued, by reason only that some other one or more of such joint debtors was or were at the time such cause of action accrued beyond the seas, and such person or persons so entitled as aforesaid shall not be barred from commencing and suing any action or suit against the joint debtor or joint debtors who was or were beyond seas at the time the cause of action or suit accrued after his or their return from beyond seas, by reason only that judgment was already recovered against any one or more of such joint debtors who was not or were not beyond seas at the time aforesaid.

Provisions in section 1 of Act 68 extended to acknowledgment by agents.
19 & 20 Vict. c. 97, s. 13.

45. In reference to the provision contained in the first section of the Act passed in the year one thousand eight hundred and thirty-seven, intituled "An Act for rendering a Written Memorandum necessary to the Validity of certain Promises and Engagements," an acknowledgment or promise made or contained by or in writing signed by an agent of the party chargeable thereby, duly authorized to make such acknowledgment or promise, shall have the same effect as if such writing had been signed by such party himself.

No. 14, s. 13. Part payment by one contractor, &c. not to prevent bar by certain statutes of limitation in favour of another contractor, &c.
19 & 20 Vict. c. 97, s. 14.

46. In reference to the provisions contained in the thirteenth section of the said Act, intituled "An Act to quiet present Possessors of Lands to limit Actions" and avoid Suits in Law," and in the second and third sections of this Act when there shall be two or more co-contractors or co-debtors, whether bound or liable jointly only, or jointly and severally, or executors or administrators of any contractor, no such co-contractor or co-debtor, executor or administrator shall lose the benefit of the said enactments or any of them so as to be chargeable in respect or by reason only of payment of any principal, interest, or other money, by any other or others of such co-contractors or co-debtors, executors or administrators.

22 & 23 Car. 2. c. 10, as explained by 29 Car. 2. c. 3, s. 25, and Jac. 2. c. 17, ss. 6, 7, declared in force.

47. The Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of King Charles the Second, intituled "An Act for the better Settling of Intestates Estates," and section twenty-five of the Act passed in the twenty-ninth year of the same King, chapter three, which were made perpetual by the Act passed in the first year of King James the Second, chapter seventeen, and the sixth and seventh sections of the last recited

Act shall be and the same are hereby declared to have extended to and to have been and to be in force in this Colony.

48. It shall be lawful for a defendant in replevin to avow or make cognizance generally that the plaintiff in replevin or other tenant of the lands and tenements whereon a distress of any rent was made, enjoyed the same under a grant or demise at such a certain rent during the time wherein the rent distrained for incurred, which rent was then and still remains due without further setting forth the grant, tenure, demise, or title of the landlord or lessor, and if the plaintiff shall become nonsuit, discontinue, or have judgment against him, the defendant in such replevin shall recover double costs.

49. So much of the Act of Parliament, intituled "An Act to consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees," therein authorized to be cited as "The Trustee Act, 1850," as extended and amended by the Act of Parliament, intituled "An Act to extend the Provisions of the Trustee Act, 1850," and of the said last-mentioned Act as is applicable to the state and condition of this Colony, shall be, and the same is hereby declared to be henceforth in force in this Colony in regard to real and personal property within the Colony.

50. The powers and authorities given by the said Acts to the Lord Chancellor of Great Britain intrusted by virtue of the Queen's sign manual with the care of the persons and estates of lunatics, shall and may be exercised by the Governor of this Colony with respect to lunatics and persons of unsound mind within this Colony seized or possessed of real or personal property, or entitled to any contingent right in any lands within this Colony upon any trust or by way of mortgage.

51. The powers and authorities given by the said Acts to the Court of Chancery in England in regard to real and personal estate vested in trustees and mortgagees, shall and may be exercised by the Court of Chancery in Antigua in regard to real and personal estate within this Colony similarly vested.

52. An order made under the authority of this Act shall have the same effect as an order made under the authority of the said Acts of Parliament.

53. Where in the said Acts reference is made to the Act of Parliament, intituled "An Act for the Abolition of Fines and Recoveries and the Substitution of more simple Modes of Conveyance," such reference shall for the purposes of this Act be construed to mean to apply to the Act of the Leeward Islands and the Acts of Antigua for supplying the want of fines and recoveries.

54. Nothing in or authorized by this Act shall be deemed to interfere with the operation of the said recited Acts of Parliament or any order, matter, or thing thereby authorized.

55. Such of the Acts passed by the Council and Assembly of Antigua, by and with the assent of the officer for the time being administering the government of the Leeward Islands in the absence of the Governor, between the third day of July one thousand seven hundred and ninety-six, and the fourteenth day of February one thousand eight hundred and one, and between the first day of August one thousand eight hundred and seven, and the sixteenth day of July one thousand eight hundred and sixteen, which officers or some of them acted in the administration of the government without repairing to Antigua, as were not rejected or disallowed by the Crown, or have not been since repealed, or have not expired, shall continue and be deemed in force.

56. So much and such parts of any Act heretofore passed by the Legislature of Antigua as mention the word or relate to slaves, or designate or describe

11 Geo. 2. c. 19, s. 22.

So much of 13 & 14 Vict. c. 60, as extended and amended by 15 & 16 Vict. c. 53, as is applicable to this Colony extended to it.

Powers given to Chancellor in lunacy may be exercised by Governor.

Powers given to Court of Chancery in England may be exercised by Court of Chancery in Antigua.

Order under this Act to have same effect as order under recited Acts.

Reference in recited Acts to 3 & 4 W. 4. c. 74, to be construed as referring to Acts of the Leeward Islands and of Antigua for supplying the want of fines and recoveries.

This Act not to interfere with operation of recited Acts of Parliament.

Certain Acts confirmed.

Rights and duties of persons.

any free persons whomsoever by complexion or colour, or descriptive words of similar purport or import as contradistinguished from white persons, shall be and the same are hereby repealed and may be omitted in any future publication of the laws of this Colony, and all and every or any such Her Majesty's subjects shall continue to hold and enjoy all the rights, privileges, immunities, and exemptions, and shall and may perform and be liable to perform all the same Acts and duties and be subject to the same forfeitures and penalties as fully and in the same manner as are enjoyed, held, exercised, and performed by any other subjects of Her Majesty in Antigua, provided that nothing in this section contained shall repeal or effect the provisions or requirements of the Act, intituled "An Act for registering Births and Deaths."

57. And whereas the Chief Justice is required to be occasionally absent from Antigua in the performance of his duty as Chief Justice of Montserrat; be it enacted that all writs issuing out of the Court of Queen's Bench or Court of Common Pleas shall be tested in the name of the Chief Justice notwithstanding any such his absence, but in case of the absence of the Chief Justice on any other occasion, or his death, such writs shall be tested in the name of the provisional chief justice, or if there be no provisional chief justice, then in the name of the puisne justice.

58. In case of the illness, death, or absence of the Chief or provisional Chief Justice at any period fixed by law or adjournment for the meeting of any court in which such Chief or provisional Chief Justice should sit, it shall be lawful for the puisne justice from time to time to adjourn such court to such time as he shall think fit; and in case of the illness of the puisne justice at any time fixed by law or adjournment for the meeting of any court in which he shall sit, it shall be lawful for the Secretary of the court to adjourn such court to such day as the puisne justice shall by writing under his hand appoint, and all business then pending in any such court shall stand adjourned as if such court had been adjourned by the Chief or provisional Chief Justice or puisne justice respectively.

No. 158.

AN ACT to amend the Practice and Course of Proceeding in the Court of Chancery of Antigua.

[Dated 20th July; Left to its operation by Order in Council dated 26th October 1860.]

WHEREAS it is expedient to amend the practice and course of proceeding in the Court of Chancery of Antigua: Be it enacted by the Governor, the Council, and Assembly of the Colony of Antigua, and it is hereby enacted by the authority of the same as follows:

1. The writ of subpoena to appear to and answer a bill of complaint in the said court shall be abolished.

2. In lieu of serving the defendant to a bill of complaint in the said court with a writ of subpoena to appear to and answer the same in the mode and according to the practice now adopted in the said court with reference to such writ, the defendant shall be served with a stamped copy of the bill of complaint filed in the said court, with an endorsement thereon indicating the filing of such bill of complaint, and the date of the filing thereof, and in the form or to the effect set out in the schedule to this Act, with such variations as circumstances may require.

No. 125.
Teste of writs in
absence of Chief
Justice.
No. 92, s. 10.

Adjournment of court
in case of illness,
death, or absence of
Chief Justice.

Adjournment of
court of complaints
in case of illness of
puisne justice.

15 & 16 Vict. c. 86.

Writ of subpoena to
be abolished.

Defendants to be
served with copy bill
and writ.

3. The filing of a bill of complaint in the said court shall have the same effect as the filing of a bill of complaint in the same court and the issuing of a subpoena thereon now have, and the service upon the defendant of a stamped copy of a bill of complaint so filed, with such endorsement thereon, shall have the same effect as the service on him of a writ of subpoena now has, and shall entitle the plaintiff in such suit to such remedies for default of appearance and otherwise as he is now entitled to in case of due and proper service of a subpoena to appear to and answer a bill of complaint.

The filing and service of a stamped copy bill to have same effect as the filing and issuing of writ of subpoena.

4. The service upon any defendant of a stamped copy of a bill of complaint shall be effected in the same manner as service of a writ of subpoena to appear to and answer a bill of complaint is now effected, save only that it shall not be necessary to produce the original bill, which will be on the files of the court: Provided that the court shall be at liberty to direct substituted service of such stamped copy of such bill in such manner and in such cases as it shall think fit.

As to service of stamped copy bill.

5. The registrar of the Court shall under the direction of the Governor provide at the public expense a stamp or seal, and all copies of bills intended to be served, and all compared or office copies of proceedings issuing from the registrar's office shall be stamped therewith.

Stamp to be provided.

6. Where a defendant is out of the jurisdiction of the court, service of a stamped copy of the bill and of any proceedings in a cause, may be effected upon him in such manner as the court or Vice-Chancellor may direct.

Service on defendant out of jurisdiction of court.

7. Upon the amendment of any bill of complaint to be filed in the said court after the time herein-after appointed for the commencement of this Act, the provisions herein-before contained with respect to filing the same and serving a stamped copy thereof shall, so far as may be, extend and be applicable to the bill as amended; provided that where according to the present practice of the said court an amendment of a bill may be made without a new engrossment thereof, or under such other circumstances as shall be prescribed by any general order of the Vice-Chancellor in that behalf, a bill may be wholly or partially amended by alterations in the bill of complaint so to be filed as aforesaid.

Provisions as to filing bills extended to amendments. In certain cases bills may be wholly or partially amended.

8. Every bill of complaint to be filed in the said court, after the time herein-after appointed for the commencement of this Act, shall contain as concisely as may be a narrative of the material facts, matters, and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, and each paragraph containing as nearly as may be a separate and distinct statement or allegation, and shall pray specifically for the relief which the plaintiff may conceive himself entitled to, and also for general relief, but such bill of complaint shall not contain any interrogatories for the examination of the defendant.

Bills of complaint to contain concise narrative of material facts divided into numbered paragraphs but not to contain interrogatories.

9. Before the name of any person shall be used in any suit to be instituted in the said court, as next friend of any infant, married woman, or other party, or as relator in any information, such person shall sign a written authority to the solicitor for that purpose, and such authority shall be filed with the bill or information.

Person whose name is used as next friend of any infant, &c. in any suit, &c. to sign a written authority.

10. Within a time to be limited by a general order of the Vice-Chancellor in that behalf, the plaintiff in any suit in the said court commenced by bill may, if he requires an answer from any defendant thereto, file in the registrar's office of the said court interrogatories for the examination of the defendant or defendants, or such of them from whom he shall require an answer, and deliver to the defendant or defendants so required to answer, or to his or their solicitor, a copy of such interrogatories or of such of them as shall be applicable to the particular defendant or defendants, and no defendant shall be called upon or required to

Interrogatories to be filed in registrar's office by plaintiff within time prescribed.

put in any answer to a bill unless interrogatories shall have been so filed and a copy thereof delivered to him or his solicitor within the time so to be limited, or within such further time as the court shall think fit to direct.

Defendants may answer without leave within the time now allowed though not required so to do by plaintiff, but after that time defendant must have leave.

11. Whether the plaintiff in any suit in the said court commenced by bill does or does not require any answer from the defendant or any one or more of the defendants to the bill, such defendant or defendants may without any leave of the court put in a plea, answer, or demurrer to the plaintiff's bill within the time now allowed to the defendant for demurring alone to a bill, or within such other time as shall be fixed by any general order of the Vice-Chancellor in that behalf, but after that time a defendant or defendants not required to answer the plaintiff's bill shall not be at liberty to put in a plea, answer, or demurrer to the bill without leave of the court; provided that the power of the court to grant further time for pleading, answering, or demurring to any bill, upon the application of any defendant or defendants thereto, whether required to answer the bill or not, shall remain in full force, and shall not be in anywise prejudiced or affected: Provided also, that if the court shall grant any further time to any defendant for pleading, answering, or demurring to the bill, the plaintiff's right to move for a decree, under the provisions herein-after contained, shall in the meantime be suspended.

Defendant's answer may contain not only answer to interrogatories, but statements material to his case.

12. The answer of the defendant to any bill of complaint in the said court may contain not only the answer of the defendant to the interrogatories so filed as aforesaid, but such statements material to the case as the defendant may think it necessary or advisable to set forth therein, and such answer shall also be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be a separate and distinct statement or allegation.

Plaintiff may upon expiry of time for answering, but before replication, move for a decree or decretal order.

13. The plaintiff in any suit commenced by bill shall be at liberty, at any time after the time allowed to the defendant for answering the same shall have expired, but before replication, to move the court upon such notice as shall in that behalf be prescribed by any general order of the Vice-Chancellor for such decree or decretal order as he may think himself entitled to; and the plaintiff and defendant respectively shall be at liberty to file affidavits in support of and in opposition to the motion so to be made, and to use the same on the hearing of such motion; and if such motion shall be made after an answer filed in the cause, the answer shall for the purposes of the motion be treated as an affidavit.

Affidavits may be filed.

Court may refuse or grant such motion or make order for further prosecution.

14. Upon any such motion for a decree or decretal order, it shall be discretionary with the court to grant or refuse the motion, or to make an order giving such directions for or with respect to the further prosecution of the suit as the circumstances of the case may require, and to make such order as to costs as it may think right.

Practice of excepting to bills, answers, &c. &c. for impertinence abolished. Provide as to costs.

15. The practice of excepting to bills, answers, and other proceedings in the said court for impertinence shall be and the same is hereby abolished: Provided always, that it shall be lawful for the court to direct the costs occasioned by any impertinent matter introduced into any proceeding in the said court to be paid by the party introducing the same, upon application being made to the court for that purpose.

Court may order defendant to produce documents on oath.

16. It shall be lawful for the court, upon the application of the plaintiff in any suit in the said court, whether the defendant may or may not have been required to answer the bill, or may or may not have been interrogated as to the possession of documents, to make an order for the production by any defendant upon oath of such of the documents in his possession or power relating to matters in question in the suit as the court shall think right, and the court may deal with such documents when produced in such manner as shall appear just.

17. It shall be lawful for any defendant in any suit, but in suits commenced by bill which the defendant is required to answer not until after he shall have put in a sufficient answer to the bill, and without filing any cross bill of discovery, to file in the register's office of the said court interrogatories for the examination of the plaintiff, to which shall be prefixed a concise statement of the subjects on which a discovery is sought, and to deliver a copy of such interrogatories to the plaintiff or his solicitor; and such plaintiff shall be bound to answer such interrogatories in like manner as if the same had been contained in a bill of discovery filed by the defendant against him on the day when such interrogatories shall have been filed, and as if the defendant to such bill of discovery had on the same day duly appeared, and the practice of the court with reference to excepting to answers for insufficiency or for scandal shall extend and be applicable to answers put into such interrogatories; provided that in determining the materiality or relevancy of any such answer or of any exception thereto, the court is to have regard to the statements contained in the original bill, and in the answer which may have been put in thereto by the defendant exhibiting such interrogatories for the examination of the plaintiff, and in any affidavits which may have been filed either in support thereof or in opposition thereto: Provided also, that a defendant, if he shall think fit so to do, may exhibit a cross bill of discovery against the plaintiff, instead of filing interrogatories for his examination.

In certain cases defendant after answer may file interrogatories for examination of plaintiff.

18. It shall be lawful for the court, upon the application of any defendant in any suit, but as to suits commenced by bill where the defendant is required to answer the plaintiff's bill not until after he has put in a full and sufficient answer to the bill, unless the court shall make any order to the contrary, to make an order for the production by the plaintiff in such suit, on oath, of such of the documents in his possession or power relating to the matters in question in the suit as the court shall think right, and the court may deal with such documents when produced in such manner as shall appear just.

Defendant may exhibit a cross bill instead of filing interrogatories.

Upon application of defendant after answer, plaintiff may be required to produce documents on oath.

19. All pleas, answers, disclaimers, examinations, affidavits, declarations, affirmations, and attestations of honour, in causes or matters depending in the Court of Chancery, and also acknowledgments required for the purpose of enrolling any deed in the said court, shall and may be sworn and taken in the United Kingdom of Great Britain and Ireland, or in any colony, island, plantation, or place under the dominion of Her Majesty in foreign parts, before any judge, court, notary public, or person lawfully authorized to administer oaths in such kingdom, colony, island, plantation, or place respectively, or before any of Her Majesty's consuls or vice-consuls in any foreign parts out of Her Majesty's dominions; and the judge and other officers of the said Court of Chancery shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, person, consul or vice-consul attached, appended, or subscribed to any such pleas, answers, disclaimers, examinations, affidavits, affirmations, attestations of honour, declarations, acknowledgments, or other documents to be used in the said court.

Pleas, declarations, &c. in Chancery, how to be sworn in United Kingdom and foreign parts.

20. All persons swearing, affirming, declaring, or attesting before any person authorized by this Act to administer oaths and take declarations, affirmations, or attestations of honour, shall be liable to all such penalties, punishments, and consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein as if the matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any court or persons now by law authorized to administer oaths, and take declarations, affirmations, or attestations upon honour.

Penalty for false swearing.

21. If any person shall forge the signature or the official seal of any such judge, notary public, or other person lawfully authorized to administer oaths

Penalty for forging or tendering in evidence forged signa-

ture or seal of judge,
&c. empowered to
administer oaths.
No. 132, s. 25.

under this Act, or the seal hereby directed to be used, or shall tender in evidence any plea, answer, disclaimer, examination, affidavit, or other judicial or official document with a false or counterfeit stamp or impression of such seal, or false or counterfeit signature or seal of any such judge, court, notary public, or other person authorized as aforesaid, attached or appended thereto, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under an Act passed by the Legislature of Antigua in the month of June one thousand eight hundred and fifty-seven, intituled "An Act to amend the " Law of Evidence."

Answer to be filed
without oath of
messenger.

22. Pleas, answers, disclaimers, or examinations, whether taken by commission out of the jurisdiction of the said court or otherwise, may be filed without the oath of a messenger, and any alterations made therein previously to the taking thereof shall be authenticated according to the practice now in use with respect to affidavits.

Issue may be joined
by filing replication
as at present.

23. In suits in the said court commenced by bill, where notice of motion for a decree or decretal order shall not have been given, or having been given where a decree or decretal order shall not have been made thereon, issue shall be joined by filing a replication in the form or to the effect of the replication now in use in the said court, and where a defendant shall not have been required to answer, and shall not have answered the plaintiff's bill, he shall be considered to have traversed the case made by the bill.

Defendant not having
been required to
answer and not an-
swering may move
for dismissal of bill
for want of prosecu-
tion.

24. Where a defendant to a suit in the said court commenced by bill shall not have been required to answer the bill, and shall not have answered the same, such defendant shall be at liberty to move to dismiss the bill for want of prosecution at such times and under such circumstances and subject to such restrictions as shall be in that behalf prescribed by any general order of the Vice-Chancellor.

Practice of court as
to and mode of
examining witnesses
abolished.

25. The mode of examining witnesses in causes in the said court, and all the practice of the said court in relation thereto, so far as such practice shall be inconsistent with the mode herein-after prescribed of examining such witnesses, and the practice in relation thereto, shall from and after the time appointed for the commencement of this Act be abolished: Provided always, that the court may, if it shall think fit, order any particular witness or witnesses within the jurisdiction of the said court, or any witness or witnesses out of the jurisdiction of the said court, to be examined upon interrogatories in the mode now practised in the said court, and that with respect to such witness or witnesses the practice of the said court in relation to the examination of witnesses shall continue in full force, save only so far as the same may be varied by any general order of the Vice-Chancellor in that behalf, or by any order of the court with reference to any particular case.

Court may order
particular witnesses
to be examined upon
interrogatories as
now practised.

Plaintiff where suits
by bill at issue may
give notice to de-
fendant to adduce
evidence orally or by
affidavit.

26. When any suit commenced by bill shall be at issue, the plaintiff shall, within such time thereafter as shall be prescribed in that behalf by any general order of the Vice-Chancellor, give notice to the defendant that he desires that the evidence to be adduced in the cause shall be taken orally or upon affidavit, as the case may be; and if the plaintiff shall desire the evidence to be adduced upon affidavit, and the defendant or some or one of the defendants, if more than one, shall not within such time as shall be prescribed in that behalf by any general order of the Vice-Chancellor give notice to the plaintiff or his solicitor that he or they desire the evidence to be oral, the plaintiff and defendant respectively shall be at liberty to verify their respective cases by affidavit.

Evidence may be
taken orally if re-
quired, but court may

27. When any of the parties to any suit commenced by bill desires that the evidence should be adduced orally, and gives notice thereof to the opposite party, as herein-before provided, the same shall be taken orally in the manner

herein-after provided; provided that if the evidence be required to be oral merely by a party without a sufficient interest in the matters in question, the court may, upon application in a summary way, make such order as shall be just.

28. All witnesses to be examined orally under the provisions of this Act shall be examined by or before the Vice-Chancellor in court, and such examination shall take place in the presence of the parties, their counsel, solicitors, or agents, and the witnesses so examined orally shall be subject to cross-examination and re-examination, and such examination, cross-examination, and re-examination shall be conducted as nearly as may be in the mode now in use in courts of common law with respect to a witness about to go abroad, and not expected to be present at the trial of the cause.

Witnesses to be examined by Vice-Chancellor in court in presence of parties.

29. The depositions taken upon such oral examination as aforesaid shall be taken down in writing by the register or some person appointed by the court, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the parties or such of them as may think fit to attend: Provided always, that in case the witness shall refuse to sign the said depositions, then the register or other person so appointed to take and taking the same shall, under the direction of the Vice-Chancellor, sign the same and state any special matter thereon which the Vice-Chancellor shall direct: Provided also, that it shall be in the discretion of the Vice-Chancellor to direct any particular question or answer to be put down if there should appear any special reason for doing so; and any question or questions which may be objected to shall in the discretion of the Vice-Chancellor be noticed or referred to in or upon the depositions.

Depositions to be taken down in writing and mode of proceeding.

30. If any person produced before the Vice-Chancellor as a witness shall refuse to be sworn or to answer any lawful question put to him by the Vice-Chancellor or by either of the parties, or by his or their counsel, solicitor, or agent, the same course shall be adopted with respect to such witness as is now pursued in the case of a witness produced for examination before the Court of Common Pleas, and refusing to be sworn or to answer some lawful question: Provided always, that if any witness shall demur or object to any question or questions which may be put to him, the validity of such demurrer or objection shall be decided by the Vice-Chancellor, and the costs of and occasioned by such demurrer or objection shall be in his discretion.

Course to be pursued where parties refuse to be sworn.

31. When the examination of witnesses shall have been concluded the original depositions shall be filed in the register's office of the said court, and any party to the suit may have a copy thereof or of any part or portion thereof upon payment for the same.

Original depositions to be filed.

32. Notwithstanding that the plaintiff or defendant in any suit in the said court may have elected that the evidence in the cause should be taken orally, affidavits by particular witnesses or affidavits as to particular facts or circumstances may, by consent or by leave of the court obtained upon notice, be used on the hearing of any cause, and such consent, with the approbation of the court, may be given by or on the part of married women or infants or other persons under disability.

Affidavits as to particular facts may be used.

33. Every affidavit to be used in the said court shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject.

Affidavits to be divided into paragraphs numbered.

34. The evidence on both sides in any suit in the said court, whether taken orally or upon affidavit, shall be closed within such time or respective times after issue joined as shall in that behalf be prescribed by any general order of the Vice-Chancellor, but with power to the court to enlarge the same as it may

Evidence oral or by affidavit on both sides to be closed within time prescribed by general order.

seem fit; and after the time fixed for closing the evidence no further evidence, whether oral or by affidavit, shall be receivable without special leave of the court previously obtained for that purpose: Provided always, that any witness who has made an affidavit filed by any party to a cause shall be subject to oral cross-examination within such time after the time fixed for closing the evidence as shall be prescribed in that behalf by any order of the Vice-Chancellor by or before him in the same manner as if the evidence given by such witness in his affidavit had been given by him orally before the Vice-Chancellor, and after such cross-examination may be re-examined orally by or on the part of the party by whom such affidavit was filed; and such witness shall be bound to attend before the Vice-Chancellor to be so cross-examined and re-examined upon receiving due and proper notice, and payment of his reasonable expenses, in like manner as if he had been duly served with a writ of Subpœna ad testificandum before such Vice-Chancellor, and the expenses attending such cross-examination and re-examination shall be paid by the parties respectively in like manner as if the witness so to be cross-examined were the witness of the party cross-examining, and shall be deemed costs in the cause of such parties respectively, unless the court shall think fit otherwise to direct.

Court may require production and oral examination before itself of any witness, &c., and determine payment of costs.

35. Upon the hearing of any cause depending in the said court, the court, if it shall see fit so to do, may require the production and oral examination before itself of any witness or party in the cause, and may direct the costs of and attending the production and examination of such witness or party to be paid by such of the parties to the suit or in such manner as it may think fit.

Any party in a cause may by subpoena require attendance of any witness before Vice-Chancellor.

36. Any party in any cause or matter depending in the said court may by a writ of Subpœna ad testificandum or Duces tecum require the attendance of any witness before the Vice-Chancellor, and examine such witness orally for the purpose of using his evidence upon any motion, petition, or other proceeding before the court in like manner as such witness would be bound to attend and be examined with a view to the hearing of a cause, and any party having made an affidavit to be used or which shall be used on any motion, petition, or other proceeding before the court, shall be bound on being served with such writ to attend before the Vice-Chancellor for the purpose of being cross-examined; provided always, that the court shall always have a discretionary power of acting upon such evidence as may be before it at the time, and of making such interim orders or otherwise as may appear necessary to meet the justice of the case.

Evidence subsequent to hearing to be taken the same as prior to hearing.

37. In cases where it shall be necessary for any party to any cause depending in the said court to go into evidence, subsequently to the hearing of such cause, such evidence shall be taken as nearly as may be in the manner herein-before provided with reference to the taking of evidence with a view to such hearing.

Defendant not to take objection for want of parties in any case to which the rules herein set forth shall extend.

38. It shall not be competent to any defendant in any suit in the said court to take any objection for want of parties to such suit in any case to which the rules next herein-after set forth extend, and such rules shall be deemed and taken as part of the law and practice of the said court, and any law or practice of the said court inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1. Any residuary legatee or next of kin may, without serving the remaining residuary legatees or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2. Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold may,

without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3. Any residuary devisee or heir may without serving any co-residuary devisee or co-heir have the like decree.

Rule 4. Any one of several cestuisque trust under any deed or instrument may, without serving any other of such cestuisque trust, have a decree for the execution of the trusts of the deed or instrument.

Rule 5. In all cases of suits for the protection of property pending litigation, and in all cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6. Any executor, administrator, or trustee may obtain a decree against any one legatee, next of kin, or cestuique trust, for the administration of the estate or the execution of the trusts.

Rule 7. In all the above cases the court, if it shall see fit, may require any other person or persons to be made a party or parties to the suit, and may, if it shall see fit, give the conduct of the suit to such person as it may deem proper, and may make such order in any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs, as other parties having a common interest with him in the matters in question.

Rule 8. In all the above cases the persons who, according to the present practice of the court would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may by an order, of course, have liberty to attend the proceedings under the decree; and any party so served may within such time as shall in that behalf be prescribed by the general order of the Vice-Chancellor apply to the court to add to the decree.

Rule 9. In all suits concerning real or personal estate, which is vested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate, and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit, but the court may, upon consideration of the matter on the hearing, if it shall so think fit, order such persons or any of them to be made parties.

39. The practice of the said court of setting down a cause merely on an objection for want of parties to the suit shall be abolished.

40. If in any suit or other proceeding before the court it shall appear to the court that any deceased person who was interested in the matters in question has no legal personal representative, it shall be lawful for the court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit or other proceeding on such notice to such person or persons, if any, as the court shall think fit, either specially or generally, by public advertisements; and the order so made by the said court, and any orders consequent thereon, shall bind the estate of such deceased person in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and submitted his rights and interests to the protection of the court.

Practice of setting down cause on objection for want of parties abolished.

Court may proceed in any suit without representative of deceased person or may appoint one.

Creditor, &c. may summon executor, &c. to show cause why order for administration of personal estate should not be granted.

Power of judge thereon.

Summons to be filed.

Creditor, &c. may obtain order for administration of real estate.

Court may direct sale of mortgaged property instead of foreclosure.

41. It shall be lawful for any person claiming to be a creditor or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course without bill filed, or any other preliminary proceedings, a summons from the Vice-Chancellor requiring the executor or administrator, as the case may be, of such deceased person to attend before him at chambers for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted, and upon proof by affidavit of the due service of such summons, or on the appearance in person, or by his solicitor or counsel of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such judge shall require, it shall be lawful for such judge, if in his discretion he shall think fit so to do, to make the usual order for the administration of the estate of the deceased, with such variations, if any, as the circumstances of the case may require, and the order so made shall have the force and effect of a decree to the like effect made on the hearing of a cause between the same parties; provided, that such judge shall have full discretionary power to grant or refuse such order, or to give any special directions touching the carriage or execution of such order, and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants or of the classes of claimants as he may think fit; and if the judge shall think proper the carriage of the order may subsequently be given to such party interested, and upon such terms as the judge may direct.

42. Such summons shall previously to the service thereof be filed in the register's office of the said court, and a stamped copy thereof certified by the register shall be served upon the executor or administrator, and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a bill.

43. It shall be lawful for any person claiming to be a creditor of any deceased person, or interested under his will, to apply for and obtain in a summary way in the manner herein-before provided with respect to the personal estate of a deceased person, an order for the administration of the real estate of a deceased person, where the whole of such real estate is by devise vested in trustees, who are by the will empowered to sell such real estate, and authorized to give receipts for the rents and profits thereof, and for the produce of the sale of such real estate, and all the provisions herein-before contained with respect to the application for such order in relation to the personal estate of a deceased person, and consequent thereon, shall extend and be applicable to an application for such order as last herein-before mentioned with respect to real estate.

44. It shall be lawful for the court in any suit for the foreclosure of the equity of redemption in any mortgaged property, upon the request of the mortgagee or of any subsequent incumbrancer, or of the mortgagor or any person claiming under them respectively, to direct a sale of such property instead of a foreclosure of such equity of redemption, on such terms as the court may think fit to direct, and if the court shall so think fit without previously determining the priorities of incumbrances, or giving the usual or any time to redeem; provided, that if such request shall be made by any such subsequent incumbrancer, or by the mortgagor, or by any person claiming under them respectively, the court shall not direct any such sale without the consent of the mortgagee or the persons claiming under him, unless the party making such request shall deposit in court a reasonable sum of money, to be fixed by the court, for the purpose of securing the performance of such terms as the court may think fit to impose on the party making such request.

45. No suit in the said court shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein, but wherever it shall appear to the court that, notwithstanding the conflict of interest in the co-plaintiffs, or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiffs or some or one of them are or is entitled to relief, the court shall have power to grant such relief and to modify its decree according to the special circumstances of the case, and for that purpose to direct such amendments, if any, as may be necessary, and at the hearing before such amendments are made to treat any one or more of the plaintiffs as if he or they was or were a defendant or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record; and where there is a misjoinder of plaintiffs and the plaintiff having an interest shall have died, leaving a plaintiff on the record without an interest, the court may at the hearing of the cause order the cause to stand revived as may appear just, and proceed to a decision of the cause, if it shall see fit, and to give such directions as to costs or otherwise as may appear just and expedient.

Suit not to be dismissed for misjoinder of Plaintiffs.

46. No suit in the court shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the court to make binding declarations of right without granting consequential relief.

No suit to be objected to because only declaratory order sought.

47. It shall be lawful for the court to adjudicate on questions arising between parties, notwithstanding that they may be some only of the parties interested in the property respecting which the question may have arisen, or that the property in question is comprised with other property in the same settlement, will, or other instrument without making the other parties interested in the property respecting which the question may have arisen, or interested under the same settlement, will, or other instrument parties to the suit, and without requiring the whole trusts and purposes of the settlement, will, or other instrument to be executed under the direction of the court, and without taking the accounts of the trustees or other accounting parties, or ascertaining the particulars or amount of the property touching which the question or questions may have arisen: Provided always, that if the court shall be of opinion that the application is fraudulent or collusive, or for some other reason ought not to be entertained, it shall have power to refuse to make the order prayed.

Court may decide between some of the parties without making others interested parties to the suit.

Proviso.

48. Upon any suit in the said court becoming abated by death, marriage, or otherwise, or defective by reason of some change or transmission of interest or liability, it shall not be necessary to exhibit any bill of revivor or supplemental bill in order to obtain the usual order to revive such suit, or the usual or necessary decree or order to carry on the proceedings, but an order to the effect of the usual order to revive, or of the usual supplemental decree, may be obtained as of course upon an allegation of the abatement of such suit, or of the same having become defective, and of the change or transmission of interest or liability; and an order so obtained, when served upon the party or parties who according to the present practice of the said court would be defendant or defendants to the bill of revivor or supplemental bill, shall from the time of such service be binding on such party or parties in the same manner in every respect as if such order had been regularly obtained according to the existing practice of the said court, and such party or parties shall thenceforth become a party or parties to the suit, and shall be bound to enter an appearance thereto in the

In case of abatement, &c. of suit an order may be made which shall have same effect as a bill of revivor.

register's office within such time and in like manner as if he or they had been duly served with process to appear to a bill of revivor or supplemental bill filed against him; provided that it shall be open to the party or parties so served, within such time after service as shall be in that behalf prescribed by any general order of the Vice-Chancellor, to apply to the court by motion or petition to discharge such order on any ground which would have been open to him on a bill of revivor or supplemental bill, stating the previous proceedings in the suit, and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereon; provided also, that if any party so served shall be under any disability other than coverture such order shall be of no force or effect as against such party until a guardian or guardians *ad litem* shall have been duly appointed for such party, and such time shall have elapsed thereafter as shall be prescribed by any general order of the Vice-Chancellor in that behalf.

New facts, &c. after commencement of suit to be introduced as amendments to bill, &c.

49. It shall not be necessary to exhibit any supplemental bill in the said court for the purpose only of stating or putting in issue facts or circumstances which may have occurred after the institution of any suit, but such facts or circumstances may be introduced by way of amendment into the original bill of complaint in the suit, if the cause is otherwise in such a state as to allow of an amendment being made in the bill, and if not, the plaintiff shall be at liberty to state such facts or circumstances on the record in such manner and subject to such rules and regulations with respect to the proof thereof, and the affording the defendant leave and opportunity of answering and meeting the same, as shall in that behalf be prescribed by any general order of the Vice-Chancellor.

When account required to be taken court may give special directions as to mode of taking same.

50. It shall be lawful for the court in any case where any account is required to be taken to give such special directions, if any, as it may think fit with respect to the mode in which the account should be taken or vouched, and such special directions may be given either by the decree or order directing such account, or by any subsequent order or orders upon its appearing to the court that the circumstances of the case are such as to require such special directions, and particularly it shall be lawful for the court, in cases where it shall think fit so to do, to direct that in taking the account the books of account in which the accounts required to be taken have been kept, or any of them, shall be taken as *prima facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

Court may order real estate to be sold if required.

51. If after a suit shall have been instituted in the said court, in relation to any real estate, it shall appear to the court that it will be necessary or expedient that the said real estate or any part thereof should be sold for the purposes of such suit, it shall be lawful for the said court to direct the same to be sold at any time after the institution thereof, and such sale shall be as valid to all intents and purposes as if directed to be made by a decree or decretal order on the hearing of such cause, and any party to the suit in possession of such estate, or in receipt of the rents and profits thereof, shall be compelled to deliver up such possession or receipt to the purchaser or such other person as the court shall direct.

Court may direct opinion of counsel on title to property sold by its authority.

52. When any property or interest shall be put up for sale under a decree or order of the Court of Chancery, the court may in its discretion direct the opinion of some counsel, to be approved by the court, to be taken on the title to such estate or interest, to the intent that the said court may be the better enabled

to give such directions as may be necessary respecting the conditions of sale of such estate or interest, and other matters connected with the sale thereof.

53. Where any real or personal property shall form the subject of any proceedings in the Court of Chancery, and the court shall be satisfied that the same will be more than sufficient to answer all the claims thereon which ought to be provided for in such suit, it shall be lawful for the said court at any time after the commencement of such proceedings to allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of such real property, or a part of such personal property, or a part of the whole of the income thereof, up to such time as the said court shall direct, and for that purpose to make such orders as may appear to the said court necessary or expedient.

Court may allow parties part or whole annual income of property.

54. The practice of the Court of Chancery with respect to injunctions for the stay of proceedings at law shall, so far as the nature of the case will admit, be assimilated to the practice of such court with respect to special injunctions generally, and such injunctions may be granted upon interlocutory applications, supported by affidavit, in like manner as other special injunctions are granted by the said court.

Practice as to injunctions to stay proceedings at law to be assimilated to practice as to special injunctions.

55. Upon application by motion or petition to the court in any suit depending therein for an injunction or a receiver, or to dissolve an injunction or discharge an order appointing a receiver, the answer of the defendant shall for the purpose of evidence on such motion or petition be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

Answer of defendant on motion for injunction or receiver to be regarded as an affidavit.

56. In case any of the directions herein contained with respect to the practice and course of proceeding in the said Court of Chancery shall by mistake of parties fail to be followed in any suit or proceeding in the said court, it shall be lawful for the said court, if it shall think fit, upon payment of such costs as such court shall direct, to make such order giving effect to and rectifying such proceedings as may be justified by the merits of the case.

In case directions as to practice, &c. not followed court may make order and award costs.

57. It shall not be lawful for the said Court of Chancery in any cause or matter to direct a case to be stated for the opinion of any court of common law, but the said Court of Chancery shall have full power to determine any questions of law which in the judgment of the said Court of Chancery shall be necessary to be decided previously to the decision of the equitable question at issue between the parties.

Court not to direct case for opinion of court of common law, but to decide.

58. In cases where according to the present practice of the Court of Chancery such court declines to grant equitable relief until the legal title or right of the party or parties seeking such relief shall have been established in a proceeding at law, the said court may itself determine such title or right without requiring the parties to proceed at law to establish the same.

Court may determine legal title of party without requiring proceeding at law.

59. The Vice-Chancellor when sitting in chambers shall have the same power and jurisdiction in respect to the business to be brought before him as if he was sitting in open court.

Power and jurisdiction of Vice-Chancellor in chambers. 15 & 16 Vict. c. 80, s. 13.

60. The orders made by the Vice-Chancellor when sitting in chambers shall be drawn up by the registrar of the court in the same manner as orders in open court are drawn up.

Orders to be drawn up by registrar. S. 14.

Orders at chambers to have force of orders of court. S. 15. 61. All orders of the Vice-Chancellor made at chambers shall have the force and effect of orders of the Court of Chancery, and such orders shall be signed and enrolled in like manner.

Business in chambers. S. 26. 62. The business to be disposed of by the Vice-Chancellor while sitting at chambers shall consist of such of the following matters as he shall from time to time think may be more conveniently disposed of in chambers than in open court:—Applications for time to plead, answer, or demur; for leave to amend bills; for enlarging the time for closing evidence; applications for the production of documents; applications relating to the conduct of suits or matters; applications as to the guardianship and maintenance of infants; matters connected with the management of property; and such other matters as the Vice-Chancellor may from time to time see fit, or as may from time to time be directed by any general order.

Vice-Chancellor may adjourn from court to chambers et vice versa. S. 27. 63. It shall be lawful for the Vice-Chancellor when sitting in open court to adjourn for consideration in chambers any matter which in his opinion may be more conveniently disposed of in chambers, or when sitting in chambers to direct any matter to be heard in open court which he may think ought to be so heard.

Mode of proceeding at chambers. S. 28. 64. The mode of proceeding before the Vice-Chancellor at chambers shall be by summons, and as near as may be to the form adopted in the Court of Common Pleas in regard to business at chambers.

Decrees and orders of court to have effect of judgment. 1 & 2 Vict. c. 110, s. 18. 65. All decrees and orders of the court, whereby any sum of money or any costs, charges, or expenses shall be payable to any person, shall have the effect of a judgment of the Court of Common Pleas, and the persons to whom any such monies or costs, charges, or expenses shall be payable shall be deemed judgment creditors, and shall be entitled to all remedies to which judgment creditors are or may be entitled.

To be entered in docket book. No. 33, s. 83. 66. Every such decree or order shall be entered by the registrar in a separate book, to be called the "Docket Book of Decrees and Orders of the Court of Chancery," which book shall be kept in the same manner as the docket book of judgments in the Court of Common Pleas.

New writs to be framed. 67. Such new or altered writs shall be sued out of the Court of Chancery as may by such court be deemed necessary or expedient for giving effect to the provisions of this Act, in such form as the judge of the court shall from time to time think fit to order, and the execution of such writs shall be enforced and levied in such and the same manner as the execution of writs of execution is now enforced and levied, or as near thereto as circumstances will admit.

Vice-Chancellor to make general rules. 68. The Vice-Chancellor may and he is hereby required from time to time to make general rules and orders for carrying the purposes of this Act into effect, and for regulating the times and form and mode of procedure, and generally the practice of the said court in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers of the said court and counsel and solicitors in respect to such matters and all other matters depending in the said court, and so far as may be found expedient for altering the course of proceeding herein-before prescribed in respect to the matters to which this Act relates, or any of them; and such rules and orders may from time

to time be rescinded or altered by the like authority, and all such rules and orders shall take effect as general orders of the said court.

69. All general rules and orders of the Vice-Chancellor to be made in pursuance of this Act shall be subject to the provisions prescribed by the Act passed in the year one thousand eight hundred and fifty-nine, intituled "An Act for facilitating the Administration of Justice in the Court of Chancery" in regard to General Rules and Orders made under that Act." Such rules to be subject to provisions of Act No. 143, s. 3.

70. This Act shall commence and take effect from and after the first day of September in this present year, provided that it shall be lawful for the Vice-Chancellor to make and issue any such general rules or orders as aforesaid at any time after the passing of this Act, so as the same be not made to take effect before the time appointed for the commencement of this Act. Commencement of Act.

71. In the construction of this Act the words "bill of complaint" shall mean also and include "information," the word "affidavit" shall mean also and include "affirmation." Construction of terms.

SCHEDULE.

FORM of ENDORSEMENT on Stamped Copy Bill of Complaint.

VICTORIA R.

To the within-named defendant *C.D.* greeting :

We command you and every of you (*where there is more than one defendant*) that within eight days after service hereof on you, exclusive of the day of such service, you cause an appearance to be entered for you in our Court of Chancery to the within bill of complaint of the within-named *A.B.*, and that you observe what our said court shall direct.

Witness our beloved our Governor of Antigua the day of
in the year of our reign.

NOTE.—If you fail to comply with the above directions you will be liable to be arrested and imprisoned. Appearances are to be entered at the register's office at the Court House in the city of Saint John in Antigua.

THE CONSOLIDATED GENERAL ORDERS OF THE COURT OF CHANCERY OF ANTIGUA, 1860.

TABLE OF ORDERS.

PRELIMINARY ORDER.

GENERAL ORDERS.

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| <p>Order 1. Parties, persons under disability, and paupers.</p> <ol style="list-style-type: none"> 1. Parties generally. 2. Infants and persons of unsound mind. 3. Paupers. <p>2. Pleadings and written proceedings generally.</p> <p>3. Bills.</p> <ol style="list-style-type: none"> 1. Bills generally. 2. Amendment of bills. <p>4. Service of copy bill and appearance.</p> <ol style="list-style-type: none"> 1. In the cases of parties generally. 2. In the case of formal parties. <p>5. Interrogatories.</p> <p>6. Process for want of answer.</p> <p>7. Traversing note.</p> <p>8. Demurrers and pleas.</p> <p>9. Answers.</p> <p>10. Exceptions.</p> <p>11. Replication and joining issue.</p> <p>12. Affidavits.</p> <p>13. Evidence generally.</p> <p>14. Preliminary accounts and inquiries.</p> <p>15. Setting down and hearing.</p> <p>16. Taking bills pro confesso.</p> <ol style="list-style-type: none"> 1. Preliminary proceedings. 2. Hearing—Decree. <p>17. Decrees and orders.</p> <p>18. Receivers.</p> | <p>Order 19. Injunctions.</p> <p>20. Subpœnas.</p> <p>21. Process to enforce decrees and orders.</p> <ol style="list-style-type: none"> 1. Attachment and sequestration. 2. Writ of assistance. 3. Common writ of execution. <p>22. Process generally.</p> <p>23. Revivor and supplement.</p> <p>24. Motions.</p> <ol style="list-style-type: none"> 1. Notices of Motion. 2. Motions for Decree under the Act No. 158, s. 13. 3. Motions to dismiss bills. <p>25. Petitions.</p> <p>26. Proceedings in chambers before the judge, or before the master at his office.</p> <p>27. Copies.</p> <ol style="list-style-type: none"> 1. Copies to be made by the registrar. 2. Copies to be made by parties or solicitors. <p>28. Time.</p> <ol style="list-style-type: none"> 1. Time generally. 2. Computation of time. 3. Power of court as to time. <p>29. Costs, charges, and expenses.</p> <p>30. Docket of fees.</p> <p>31. Miscellaneous points.</p> |
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GENERAL ORDERS OF THE COURT OF CHANCERY OF ANTIGUA, 1860.

I assent,
(Signed) K. B. HAMILTON, Chancellor.

PRELIMINARY ORDER.

His Honor Sir William Snagg, Knight, Vice-Chancellor, with the consent of his Excellency Ker Baillie Hamilton, Chancellor, and in pursuance of the Acts passed by the Legislature of Antigua, intituled "An Act for facilitating the Administration of Justice in the Court of Chancery," and "An Act to amend the Practice and Course of Proceeding in the Court of Chancery of Antigua," and in execution of all powers and authorities enabling him in that behalf, doth hereby order and direct in manner following; that is to say,

1.

Rule 1. Abrogation
of prior orders.

From and after the first day of September 1860 the following shall be the general orders of the Court of Chancery, and all others shall be abrogated, but the abrogation of any existing rule shall not be deemed to alter or affect the established practice of the court originating therefrom, except so far as the same may be inconsistent with any of these orders.

2.

In these orders the following words have the several meanings hereby assigned to them over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz: Rule 2. Interpretation clause.

(1.) Words importing the singular number include the plural number, and words importing the plural number include the singular number. Article (1.)

(2.) Words importing the masculine gender include females. Article (2.)

(3.) The word "person" or "party" includes a body politic or corporate, and the word "person" means any person, whether a party to a suit or proceeding or not. Article (3.)

(4.) The word "bill" includes information. Article (4.)

(5.) The word "plaintiff" includes informant. Article (5.)

(6.) The word "affidavit" includes affirmation, and attestation upon honour, and the word "sworn" includes affirmed, and attested upon honour. Article (6.)

(7.) The word "decree" or "order" includes dismission. Article (7.)

3.

Any person desirous of suing out any of the writs specified at the end of this rule may prepare the same in the form authorized by these orders, or, where no form is hereby given, in the present form, with such alterations and variations as circumstances may require, and may present such writ for sealing to the registrar; and such writs shall be open writs, and it shall not be necessary for the Chancellor to sign any such writ, and the registrar, upon any such writ being presented for sealing, shall ascertain whether such writ is correct in form, and whether the person presenting the same is according to the course and practice of the court entitled to sue out the same; and in case it shall appear that such writ is correct in form, and that the person is entitled to sue out the same, such writ shall be forthwith sealed with the seal directed to be provided by the 5th section of the said Act to amend the practice and course of proceeding in this court, and shall when so sealed have the same force and validity as such writ had when sealed with the great seal. (Order 1, Rule 37.) Practice as to writs.

The writs above referred to in this rule are the following:

Writ endorsed on bill, writ of assistance, writ of attachment. Commission to assign a guardian, commission to examine witnesses, writ of execution, writ of habeas corpus, writ of injunction, writ of *ne exeat insula*, writ of dower, commission of partition, commission to distinguish and divide lands, writ of sequestration, writ of subpoena.

4.

All office copies and other copies of pleadings, proceedings, and documents shall be counted after the rate of 90 words to the folio, and where such copies or any portion thereof shall comprise columns containing figures, each figure shall be counted and charged as one word. Mode of reckoning length of copies.

5.

Bills and other proceedings may be printed or written, and numerical statements need not be in words, but may be printed or written in figures, and such bills and proceedings shall be printed when the cost of printed copies required to be served would be less than the cost of written copies. Printed or written and numerical statements.

6.

The practice of presenting a petition for the appointment of a court or day to hear any matter shall cease, and the Vice-Chancellor will sit on every Friday Court days.

not being a holiday when the Court of Queen's Bench or Common Pleas is not sitting, to hear motions, petitions, and any other business required to be heard. When any matter cannot be heard, or the Vice-Chancellor shall not sit on that day, the same shall stand for hearing on the first Friday next thereafter on which the Vice-Chancellor shall sit, unless he shall appoint another day, but this rule shall not be construed to prevent any person from applying to the Vice-Chancellor at any other time on any matter of urgency.

7.

Time for lodging petitions and notices of motion with registrar.

Petitions and notices of motion intended to be brought on for hearing, together with any affidavits or exhibits to be used in support thereof, shall be lodged with the registrar two clear days before the day of hearing.

8.

Practice when not otherwise defined to conform to practice of court in England.

The practice of the court in matters not defined by these orders nor by Act shall, as nearly as may be, be conformable to the practice of the Court of Chancery of England, so far as is consistent with the laws of this Colony.

(Signed) WM. SNAGG,
Vice-Chancellor.

A reference at the end of any rule refers to the corresponding rule of the consolidated general orders of the Court of Chancery in England; or where the reference is to a dated rule, it refers to some prior rule of the English Court.

ORDER 1.—PARTIES, PERSONS UNDER DISABILITY, AND PAUPERS.

Parties generally.

Rule 1. Heir-at-law.

In suits to execute the trusts of a will, it shall not be necessary to make the heir-at-law a party, but the plaintiff shall be at liberty to make the heir-at-law a party where he desires to have the will established against him. (Order 7, Rule 1.)

Rule 2. Parties jointly and severally liable.

Where the plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the court as parties to a suit concerning such demand all the persons liable thereto, but the plaintiff may proceed against one or more of the persons severally liable. (Order 7, Rule 2.)

Infants and Persons of unsound Mind.

Rule 3. Default in appearing or answering by an infant or person non compos mentis.

Where upon default made by a defendant in not appearing to or not answering a bill it appears to the court that such defendant is an infant or a person of weak or unsound mind, not so found by inquisition, so that he is unable of himself to defend the suit, the court may, upon the application of the plaintiff, order that one of the soliciitors of the court be assigned guardian of such defendant by whom he may appear to and answer, or may appear to or answer the bill and defend the suit.

Assignment of solicitor as his guardian.

But no such order shall be made unless it appears to the court on the hearing of such application that a stamped copy of the bill was duly served in manner provided by the said Act to amend the practice and course of proceeding in this court, and that notice of such application was after the expiration of the time allowed for appearing to or for answering the bill, and at least six clear days before the day in such notice named for hearing of the application, served upon or left at the dwelling house of the person with whom or under whose care such

defendant was at the time of serving such stamped copy of the bill, and also (in the case of such defendant being an infant not residing with or under the care of his father or guardian) served upon or left at the dwelling house of the father or guardian of such infant, unless the court at the time of hearing such application shall dispense with such last-mentioned service. (Order 7, Rule 3.)

Where any person required to be served with notice of a decree or order, pursuant to the 8th rule of the 38th section of the said Act to amend the practice and course of proceeding in this court, is an infant or a person of unsound mind, not found so by inquisition, the notice shall be served upon such person or persons, and in such manner as the Vice-Chancellor may direct. (Order 7, Rule 5.)

Rule 4. Service of notice of decree or order in case of infants or persons of unsound mind.

Guardians *ad litem* appointed for infants or persons of unsound mind not found so by inquisition, who shall be served with notice of any decree or order, shall be appointed in like manner as guardians *ad litem* to answer and defend are appointed in suits on bills filed. (Order 7, Rule 6.)

Rule 5. Guardians *ad litem* for infants or persons of unsound mind who shall be served with notice of decree or order.

At any time during the proceedings in the master's office or at chambers, under any decree or order, the master or judge may, if he shall think fit, require a guardian *ad litem* to be appointed for any infant or person of unsound mind, not found so by inquisition, who has been served with notice of such decree or order. (Order 7, Rule 7.)

Rule 6. Such guardians appointed during proceedings at chambers.

Paupers.

No person shall be admitted to prosecute any suit in this court *in formâ pauperis* without a certificate of counsel that he conceives the case to be proper for relief in this court. (Order 7, Rule 8.)

Rule 7. No person admitted to sue *in formâ pauperis* without a certificate of counsel.

ORDER 2.—PLEADINGS AND WRITTEN PROCEEDINGS GENERALLY.

Deeds, writings, or records shall not be unnecessarily set out in any pleading *Brevity.* in *hæc verba*; but so much only of them as is pertinent and material shall be set out or stated, or the effect and substance of so much of them only as is pertinent and material shall be given without needless prolixity, and no scandalous matter shall be inserted therein. (Order 8, Rule 2.)

Scandal.

ORDER 3.—BILLS.

Bills may be in a form similar to the form following, with such variations as the nature and circumstances of each particular case may require. (Order 9, Rule 2.)

Bill.

In Chancery.

JOHN LEE	-	-	-	-	-	Plaintiff,
JAMES STYLES and HENRY JONES	-	-	-	-	-	Defendants.

BILL OF COMPLAINT.

To His Honor Sir William Snagg, Knight, Vice-Chancellor,

Humbly complaining, sheweth unto his honor, John Lee of the city of Saint John, in the Island of Antigua, esquire, the above-named plaintiff, as follows:

1. The defendant James Styles being seised in fee simple of a farm called Blackacre in the parish of A. in the Island of Antigua with the appurtenances, did by an indenture dated the 1st of May 1850, and made between the defendant James Styles of the one part and the plaintiff of the other part, grant and convey the said farm with the appurtenances unto and to the use of the plaintiff, his heirs and assigns, subject to a proviso for redemption thereof in case the defendant James Styles, his heirs, executors,

administrators, or assigns should on the 1st of May 1851 pay to the plaintiff, his executors, administrators, or assigns, the sum of 5,000*l.* with the interest thereon at the rate of 5*l. per centum per annum*, as by the said indenture will appear.

2. The whole of the said sum of 5000*l.*, together with interest thereon at the rate aforesaid, is now due to the plaintiff.

3. The defendant Henry Jones claims to have some charge upon the farm and premises comprised in the said indenture of mortgage of the 1st of May 1850, which charge is subsequent to the plaintiff's said mortgage.

4. The plaintiff has frequently applied to the defendants James Styles and Henry Jones, and required them either to pay the said debt or else to release the equity of redemption of the premises, but they have refused so to do.

5. The defendants James Styles and Henry Jones pretend that there are some other mortgages, charges, or incumbrances affecting the premises, but they refuse to discover the particulars thereof.

6. There are divers valuable cedar and other timber and timber-like trees growing and standing on the farm and lands comprised in the said indenture of mortgage of the 1st of May 1850, which trees and timber are a material part of the plaintiff's said security, and if the same or any of them were felled and taken away the said mortgaged premises would be an insufficient security to the plaintiff for the money due thereon.

7. The defendant James Styles who is in possession of the said farm has marked for felling a large quantity of the said cedar trees and other timber, and he has by handbills published on the 2nd of December instant announced the same for sale, and he threatens and intends forthwith to cut down and dispose of considerable quantity of the said trees and timber on the said farm.

PRAYER.

The plaintiff prays as follows :—

1. That an account may be taken of what is due for principal and interest on the said mortgage.
2. That the defendants James Styles and Henry Jones may be decreed to pay to the plaintiff the amount which shall be so found due together with his costs of this suit by a short day to be appointed for that purpose, or in default thereof that the defendants James Styles and Henry Jones, and all persons claiming under them, may be absolutely foreclosed of all right and equity of redemption in or to the said mortgaged premises.
3. That the defendant James Styles may be restrained by the injunction of this honorable court from felling, cutting, or disposing of any of the timber or timber-like trees now standing or growing in or upon the said farm and premises comprised in the said indenture of mortgage, or any part thereof.
4. That the plaintiff may have such further or other relief as the nature of the case may require.

Names of the defendants.

The defendants to this bill of complaint are

James Styles,
Henry Jones.

V. V.,

Name of Counsel.

Endorsement on bills.

Bills shall be endorsed in the manner set forth in the schedule to the said Act to amend the practice and course of proceeding in the Court of Chancery, except that instead of the words in the note, "You will be liable to be arrested and imprisoned," there shall be substituted the words "The plaintiff may enter an appearance for you, and you will be liable to be arrested and imprisoned, and to have a decree made against you in your absence."

Amendment of Bills.

An order for leave to amend a bill may be obtained at any time before answer upon motion or petition without notice. (Order 9, Rule 8.)

An order for leave to amend a bill only for the purpose of rectifying some clerical error in names, dates, or sums may be obtained at any time upon motion or petition without notice. (Order 9, Rule 9.)

Where there is a sole defendant, or where there being several defendants they all join in the same answer, the plaintiff may, after answer and before replication or undertaking to reply, obtain one order of course for leave to amend the bill at any time within four weeks after the answer is to be deemed, or is held to be sufficient. (Order 9, Rule 10.)

Where there are several defendants who do not join in the same answer, the plaintiff (if not precluded from amending or limited as to the time of amending by some former order,) may after answer and before replication or undertaking to reply, at any time within four weeks after the last of the answers required to be put in, is to be deemed or is held to be sufficient, obtain one order of course for leave to amend his bill. (Order 9, Rule 11.)

Provided always, That the plaintiff shall not obtain an order of course for leave to amend his bill after any defendant (being entitled to move) has served a notice of motion to dismiss the bill for want of prosecution. (Order 9, Rule 12.)

No more than one order of course for leave to amend a bill shall be granted after an answer has been filed, unless in the case provided for by the 3rd rule of this order. (Order 9, Rule 13.)

A special order for leave to amend a bill shall not be granted without affidavit to the effect, first, that the draft of the proposed amendments has been settled, approved, and signed by counsel, and, secondly, that such amendment is not intended for the purpose of delay or vexation, but because the same is considered to be material for the case of the plaintiff. (Order 9, Rule 14.)

After the plaintiff has filed or undertaken to file a replication, or after the expiration of four weeks from the time when the answer, or the last of the answers, required to be put in is to be deemed or is held to be sufficient, a special order for leave to amend a bill shall not be granted without further affidavit showing that the matter of the proposed amendment is material, and could not with reasonable diligence have been sooner introduced into such bill. (Order 9, Rule 15.)

Such affidavits as are mentioned in the 8th or 9th rules of this order shall be made by the plaintiff and his solicitor, or by the registered attorney of the plaintiff and his solicitor, or by the solicitor alone, in case the plaintiff or his registered attorney, from being abroad or otherwise, is unable to join therein. (Order 9, Rule 16.)

The plaintiff having obtained an order for leave to amend his bill shall in all cases in which no other time is limited by such order have fourteen days after the date of the order within which he may amend such bill. (Order 9, Rule 17.)

A stamped copy of an amended bill shall be served upon the defendant or his solicitor, or the plaintiff shall cause the copy served to be amended by the registrar, or serve such notice of the amendments as the court or judge at chambers shall direct.

Where the plaintiff obtains an order for leave to amend his bill, and does not amend the same within the time thereby limited for that purpose, or if no time is so limited, then within fourteen days from the date of the order such order to

Rule 2. Order to amend before answer.

Rule 3. Clerical errors.

Rule 4. Time for order of course for leave to amend where one answer.

Rule 5. Time for order of course for leave to amend where more than one answer.

Rule 6. Order of course for leave to amend after notice of motion to dismiss.

Rule 7. Order of course for leave to amend after answer.

Rule 8. Affidavit in support of special application to amend.

Rule 9. Where further affidavit required.

Rule 10. By whom such affidavits to be made.

Rule 11. Time for amendment.

Rule 12. Service of amended bill.

Rule 13. Default of amendment.

amend becomes void, and the cause as to dismissal stands in the same situation as if such order had not been made. (Order 9, Rule 24.)

ORDER 4.—SERVICE OF COPY OF BILL, AND APPEARANCE.

Rule 1. Usual mode of service.

Service of every copy of a bill shall be effected by serving such copy personally, or by leaving the same with a servant of the defendant, or some member of his family, at his dwelling house or usual place of abode, unless the court directs some other mode of service. (Order 10, Rule 1.)

Rule 2. Time for appearance.

Where a defendant within the jurisdiction of the court is served with a copy of a bill in a manner provided by the second section of the said Act, to amend the practice and course of proceeding in this court, he must appear thereto within eight days after the service of such copy of the bill, otherwise an appearance may be entered for him as provided by the next rule of this order. (Order 10, Rule 3.)

Rule 3. Where appearance may be entered by plaintiff for defendant within jurisdiction.

Where any defendant not appearing to be an infant or a person of weak or unsound mind, unable of himself to defend the suit, is when within the jurisdiction of the court duly served with a copy of the bill under section 2 of the said Act to amend the practice and course of proceeding in this court, and refuses or neglects to appear thereto within eight days after such service, the Plaintiff may after the expiration of such eight days, and within three weeks from the time of such service, apply to the registrar to enter an appearance for such defendant, and no appearance having been entered the registrar shall enter such appearance accordingly upon being satisfied by affidavit that the copy of the bill was duly served. And after the expiration of such three weeks, or after the time allowed to such defendant for appearing has expired, in any case in which the registrar is not hereby required to enter such appearance, the plaintiff may apply to the court for leave to enter such appearance for such defendant; and the court, being satisfied that the copy of the bill was duly served, and that no appearance has been entered for such defendant, may, if it so think fit, order the same accordingly. (Order 10, Rule 4.)

Rule 4. Not if defendant an infant or non compos mentis.

Any appearance entered at the instance of the plaintiff for a defendant who at the time of the entry thereof is an infant or a person of weak or unsound mind, unable of himself to defend the suit, is irregular and of no validity. (Order 10, Rule 5.)

Rule 5. Service of copy of bill on defendant out of jurisdiction having resident attorney, and entering appearance for him.

Where a defendant in any suit is out of the jurisdiction of the court, and hath a registered attorney or agent in this Island authorized to appear for him in such suit, service of a stamped copy of the bill upon such registered attorney or agent of such defendant shall be deemed good service on such defendant, and the court upon the expiration of the time for appearing may upon proof of such service upon the application of the plaintiff order an appearance to be entered for such defendant.

Rule 6. Where appearance may be entered by plaintiff for defendant absconding.

Where the court is satisfied by sufficient evidence that any defendant has been within the jurisdiction of the court at some time not more than two years before the bill was filed, and that such defendant is beyond the seas, or that upon inquiry at his usual place of abode (if he had any), or at any other place or places where at the time when the bill was filed he might probably have been met with, he could not be found so as to be served with a copy of the bill under the said Act to amend the practice and course of proceeding in this court, section 2, and that in either case there is just ground to believe that such defendant has gone out of the jurisdiction or otherwise absconded to avoid being served with such copy of the bill or with other process, the court may order that such defendant do appear at a certain day to be named in the order; and a copy of such order together with a notice to the effect set forth at the end

of this rule may, within fourteen days after such order made, be inserted in the official gazette or contract newspaper of this Island, and be otherwise published as the court shall direct; and where the defendant does not appear within the time limited by such order, or within such further time as the court may appoint, then, on proof made of such publication of the said order, the court may order an appearance to be entered for the defendant on the application of the Plaintiff.

‘NOTICE.—*A.B.*, take notice, that if you do not appear pursuant to the above order the plaintiff may enter an appearance for you, and the court may afterwards grant to the plaintiff such relief as he may appear to be entitled to on his own showing.’ (Order 10, Rule 6.)

Where a defendant in any suit is out of the jurisdiction of the court and hath not any registered attorney or agent in the Island authorized to appear for him in such suit :—

(1.) The court, upon application supported by such evidence as shall satisfy the court in what place or country such defendant is or may probably be found, may order that a copy of the bill under the said Act to amend the practice and course of proceeding in this court, section 2, and if an answer is required a copy of the interrogatories may be served on such defendant in such place or country or within such limits as the court shall think fit to direct.

(2.) Such order shall limit a time after such service within which such defendant is to appear to the bill, such time to depend on the place or country within which the copy of the bill is to be served; and where an answer is required such order shall also limit a time within which such defendant is to plead, answer, or demur, or obtain from the court further time to make his defence to the bill.

(3.) At the time when such copy of the bill shall be served, the plaintiff shall also cause such defendant to be served with a copy of the order giving the plaintiff leave to serve such copy of the bill.

(4.) And if upon the expiration of the time for appearing it be shown to the satisfaction of the court that such defendant was duly served with such copy of the bill, and with a copy of the order, the court may, upon application of the plaintiff, order an appearance to be entered for such defendant. (Order 10, Rule 7.)

Affidavits filed for the purpose of proving the service of a copy of a bill upon any defendant shall state when, where, and how the same was served, and by whom such service was effected. (Order 10, Rule 8.)

A defendant, notwithstanding that an appearance may have been entered for him by the plaintiff, may afterwards enter an appearance for himself in the ordinary way, but such appearance by such defendant shall not affect any proceeding duly taken or any right acquired by the plaintiff under or after the appearance entered by him, or prejudice the plaintiff's right to be allowed the costs of the first appearance. (Order 10, Rule 9.)

No attachment for want of appearance shall hereafter be issued without a special order of the court. (Order 10, Rule 10.)

In the case of formal Parties.

Where no account, payment, conveyance, or other direct relief is sought against a party to a suit, it shall not be necessary for the plaintiff to require such party, not being an infant, to appear to the bill; but the plaintiff shall be at liberty to serve such party, not being an infant, with a stamped copy of the bill, whether the same be an original or amended or supplemental bill without

Rule 7. Service of copy of bill and of interrogatories on defendant out of jurisdiction, and entering appearance for him not having resident attorney.

Article (1.)

Article (2.)

Article (3.)

Article (4.)

Rule 8. Affidavits of service.

Rule 9. Appearance entered by defendant after appearance entered for him.

Rule 10. Attachment to compel appearance.

Rule 11. Service of copy of bill on formal parties.

any endorsement, requiring such party to appear thereto, and such bill, as against such party, shall pray that such party, upon being served with a copy of the bill, may be bound by all the proceedings in the cause; but this rule shall not prevent the plaintiff from requiring a party against whom no account, payment, conveyance, or other direct relief is sought, to appear to the bill, or from prosecuting the suit against such party in the ordinary way, if he shall think fit. (Order 10, Rule 11.)

Rule 12. Memorandum of service of copy of bill to be entered.

Where a plaintiff serves a defendant with a copy of the bill under rule 11 of this order, he shall cause a memorandum of such service and of the time when such service was made to be entered in the registrar's office, first obtaining an order of the court for leave to make such entry, which order shall be obtained upon motion without notice, upon the court being satisfied of a copy of the bill having been so served, and of the time when the service was made. (Order 10, Rule 12.)

Rule 13. Effect of serving defendant with copy of bill.

Where a defendant is served with a copy of the bill under rule 11 of this order, and a memorandum of such service is duly entered, and such defendant does not, within the time limited by the practice of the court for that purpose, enter an appearance in the common form or a special appearance under rule 15 of this order, the plaintiff shall be at liberty to proceed in the cause as if the party served with a copy of the bill were not a party thereto, and the party so served shall be bound by all the proceedings in the cause in the same manner as if he had appeared to and answered the bill. (Order 10, Rule 13.)

Rule 14. Party served with copy of bill may enter common appearance and have suit prosecuted in ordinary way. Costs.

Where a party served with a copy of the bill under rule 11 of this order desires the suit to be prosecuted against him in the ordinary way, he shall be entitled to have it so prosecuted; and in that case he shall enter an appearance in the common form, and the suit shall then be prosecuted against him in the ordinary way; but the costs occasioned thereby shall be paid by the party so appearing, unless the court shall otherwise direct. (Order 10, Rule 14.)

Rule 15. Such party may enter special appearance and be served with notice of all proceedings.

Where a party served with a copy of the bill under rule 11 of this order desires to be served with a notice of the proceedings in the cause, but not otherwise a special appearance in the following form; that is to say,

"*A.B.* appears to the bill for the purpose of being served with notice of all proceedings therein."

Costs.

And thereupon the party entering such appearance shall be entitled to be served with notice of all proceedings in the cause, and to appear thereon; but the costs occasioned thereby shall be paid by the party entering such appearance, unless the court shall otherwise direct. (Order 10, Rule 15.)

Rule 16. Order for entering common or special appearance. Party entering same bound by prior proceedings.

No party shall enter either a common or special appearance under rules 14 or 15 of this order, after the expiration of twelve days from the service of the copy of the bill, without first obtaining an order of the court for that purpose, such order to be obtained on notice to the plaintiff, and to be granted, if the court shall think fit, upon such terms as are just; and any party so entering such common or special appearance shall be bound by all the proceedings in the cause prior to such appearance being entered, unless the court shall otherwise direct. (Order 10, Rule 16.)

Rule 17. Time for service of copy of bill.

The service of a copy of a bill upon a defendant, under rule 11 of this order, shall be of no validity if not made within twelve weeks from the filing of such bill, unless the court shall give leave for such service to be made after the expiration of such twelve weeks. (Order 10, Rule 17.)

Rule 18. Service out of time of copy of bill.

Where the plaintiff omits to serve any defendant with a copy of the bill under rule 11 of this order, within twelve weeks from the filing of such bill, the

court may, if it shall think fit, upon the motion of the plaintiff, without notice, give the plaintiff leave to serve such defendant with such copy, within such time and upon such terms as to the court shall seem just. (Order 10, Rule 18.)

ORDER 5.—INTERROGATORIES.

For the Examination of a Defendant in Answer to Bill of Complaint.

The interrogatories for the examination of the defendant to a bill may be in a form similar to the form following, with such variations as the nature and circumstances of each particular case may require. (Order 11, Rule 1.)

In Chancery.

Between JOHN LEE - - - Plaintiff,
JAMES STYLES and HENRY JONES - Defendants.

Interrogatories for the examination of the above-named defendants in answer to the plaintiff's bill of complaint.

1. Does not the defendant Henry Jones claim to have some charge upon the farm and premises comprised in the indenture of mortgage of the 1st of May 1850 in the plaintiff's bill mentioned?

2. What are the particulars of such charge, if any, the date, nature, and short effect of the security, and what is due thereon?

3. Are there, or is there, any other mortgages or mortgage, charges or charge, incumbrances or incumbrance in any and what manner affecting the aforesaid premises, or any part thereof?

4. Set forth the particulars of such mortgages or mortgage, charges or charge, incumbrances or incumbrance, the date, nature, and short effect of the security, what is now due thereon, and who is or are entitled thereto respectively, and when, and by whom, and in what manner, every such mortgage, charge, or incumbrance was created?

The defendant James Styles is required to answer all these interrogatories.

The defendant Henry Jones is required to answer the interrogatories numbered 1 and 2.

*V. V.,
Name of Counsel.*

Where the plaintiff requires an answer to any bill from any defendant or defendants thereto, the interrogatories for the examination of such defendant or defendants shall be filed within eight days after the time limited for the appearance of such defendant or defendants. (Order 11, Rule 2.)

After the expiration of eight days from the time limited for the appearance of any defendant, no interrogatories shall be filed for the examination of such defendant, without special leave of the court or judge in chambers, to be applied for upon notice of motion or by summons. (Order 11, Rule 3.)

Where a defendant or defendants required to answer shall appear in person or by his or their own counsel or solicitor, within the time limited for that purpose by the rules of the court, the plaintiff shall, within eight days after the time allowed for such appearance, deliver to such defendant or defendants, or to his or their counsel or solicitor, a stamped copy of the interrogatories so filed as aforesaid, or of such of them as the particular defendant or defendants shall be required to answer; and the copy to be delivered shall be examined with the original by the registrar, who on finding that such copy is correct shall stamp the same. (Order 11, Rule 4.)

Where a defendant to a suit commenced by bill does not appear in person or by his own counsel or solicitor within the time allowed for that purpose by the rules of the court, and the plaintiff files interrogatories for his examination, the plaintiff may deliver a copy of such interrogatories so examined and stamped as

Rule 1. Form.

Rule 2. Time for filing interrogatories.

Rule 3. Leave to file interrogatories after eight days.

Rule 4. Delivery of interrogatories where defendant appears in proper time. Copy to be delivered to be examined and stamped.

Rule 5. Delivery of interrogatories where defendant does not appear in proper time.

aforesaid to such defendant, at any time after the time allowed to such defendant to appear, and before his appearance in person or by his own counsel or solicitor, or the plaintiff may deliver a copy of such interrogatories so examined and stamped as aforesaid to the defendant or his counsel or solicitor, after the appearance of such defendant in person, or by his own counsel or solicitor, but within eight days after such appearance. (Order 11, Rule 5.)

ORDER 6.—PROCESS FOR WANT OF ANSWER.

Rule 1. Attachment for want of answer.

Where there is just reason to believe that any defendant means to abscond before answering the bill, the court may on the *ex parte* application of the plaintiff, at any time after an appearance has been entered for him by the plaintiff, order an attachment for want of answer to issue against him, and such attachment shall be made returnable at such time as the court shall direct. (Order 12, Rule 1.)

Rule 2. Discharge of defendant in prison.

Where a defendant is in prison under an attachment for not answering, or being already in prison is detained under such an attachment, and is not brought to the bar of the court within thirty days from the time of his being actually in custody, or detained (being already in custody) under such attachment, he shall be discharged from the process for want of answer under which he was arrested or detained by the provost marshal without payment of the costs of his contempt, which in such case shall be paid by the plaintiff; but if such defendant does not put in his answer within eight days after such discharge, the plaintiff may cause a new attachment to be issued against him for want of his answer. (Order 12, Rule 3.)

New attachment.

Rule 3. Pauper defendant in custody for want of his answer. Assignment of counsel.

Where a defendant is brought up in custody for want of his answer, and makes oath in court that he is unable by reason of poverty to employ counsel to put in his answer, the court may assign counsel for such defendant to enable him to put in his answer. (Order 12, Rule 4.)

ORDER 7.—TRAVERSING NOTE.

Rule 1. To original bill, or supplemental bill, or bill amended before answer.

After the expiration of the time allowed to a defendant to plead, answer, or demur (not demurring alone) to any original or supplemental bill, or bill amended before answer, which he has been required to answer, if such defendant has not filed any plea, answer, or demurrer, the defendant may file a note at the registrar's office to the following effect: "The plaintiff intends to proceed with his cause as if the defendant had filed an answer, traversing the case made by the bill." (Order 13, Rule 1.)

Rule 2. To bill amended after answer.

After the expiration of the time allowed to a defendant to plead, answer, or demur (not demurring alone) to a bill amended after answer, which he has been required to answer, if such defendant has not filed any plea, answer, or demurrer, the plaintiff may file a note at the registrar's office to the following effect: "The plaintiff intends to proceed with his cause as if the defendant had filed an answer traversing the allegations introduced into the bill by amendment." (Order 13, Rule 2.)

Rule 3. Where further answer not put in.

After the expiration of the time allowed to a defendant to put in his further answer to any bill, if such defendant shall not have put in any further answer, the plaintiff may file a note at the registrar's office to the following effect: "The plaintiff intends to proceed with his cause as if the defendant had filed a further answer traversing the allegations in the bill whereon the exceptions are founded." (Order 13, Rule 3.)

Rule 4. Where demurrer or plea to whole bill overruled.

Where a demurrer or plea to the whole bill is overruled, the plaintiff, if he does not require an answer, may immediately file his note in manner directed

by the 1st and 2nd rules of this order, as the case may require, and with the same effect, unless the court, upon overruling such demurrer or plea, gives time to the defendant to plead, answer, or demur; and in such case, if the defendant does not file any plea, answer, or demurrer within the time so allowed by the court, the plaintiff, if he does not then require an answer, may on the expiration of such time file such note. (Order 13, Rule 4.)

A traversing note having been filed, a copy thereof shall be served on the defendant against whom the same was filed, either personally or at his place of residence, or upon his counsel or solicitor, unless the court shall otherwise direct. (Order 13, Rule 5.)

Rule 5. Service of copy of traversing note.

The filing of a traversing note and the due service of a copy thereof shall have the same effect as if the defendant against whom such note is filed had filed a full answer or further answer traversing the whole bill or those parts of the bill to which the note relates on the day on which the note was filed. (Order 13, Rule 6.)

Rule 6. Effect thereof.

A defendant, after the service of the copy of a traversing note filed against him as aforesaid, shall not plead, answer, or demur to the bill, or put in any further answer thereto, without the special leave of the court, and the cause shall stand in the same situation as if such defendant had filed a full answer or further answer to the bill on the day on which the note was filed. (Order 13, Rule 7.)

Rule 7. After service thereof defendant cannot plead, &c. without special leave.

ORDER 8.—DEMURRERS AND PLEAS.

No demurrer or plea shall be held bad and overruled upon argument, only because such demurrer or plea does not cover so much of the bill as it might by law have extended to. (Order 14, Rule 8.)

Rule 1. Demurrers and pleas not covering so much as they ought.

No demurrer or plea shall be held bad and overruled upon argument, only because the answer of the defendant extends to some part of the same matter as is covered by such demurrer or plea. (Order 14, Rule 9.)

Rule 2. Demurrers and pleas covering a part to which the answer extends.

Upon the filing of a plea or demurrer by a defendant, either party is to be at liberty to set the same down for argument immediately. (Order 14, Rule 11.)

Rule 3. Setting down demurrers and pleas.

Where any plea or demurrer is overruled, the defendant shall pay to the plaintiff the taxed costs occasioned thereby, unless the court shall otherwise direct. (Order 14, Rule 12.)

Rule 4. Costs of overruling of plea or demurrer.

Where a demurrer to the whole or part of a bill is allowed upon argument, the plaintiff, unless the court shall otherwise direct, shall pay to the demurring party the costs of the demurrer, and where the demurrer is to the whole bill the costs of the suit also. (Order 14, Rule 13.)

Rule 5. Costs on allowing demurrer.

Where a demurrer to the whole bill is not set down for argument within 12 days after the filing thereof, and the plaintiff does not within such 12 days serve an order for leave to amend the bill, the demurrer shall be held sufficient to the same extent and for the same purposes, and the plaintiff shall pay to the demurring party the same costs as in the case of a demurrer to the whole bill allowed upon argument. (Order 14, Rule 14.)

Rule 6. Where demurrer to whole bill to be held sufficient without being set down.

Costs.

Where a demurrer to part of a bill is not set down for argument within three weeks after the filing thereof, and the plaintiff does not within such three weeks serve an order for leave to amend the bill, the demurrer shall be held sufficient to the same extent and for the same purposes, and the plaintiff shall pay to the demurring party the same costs as in the case of a demurrer to part of a bill allowed upon argument. (Order 14, Rule 15.)

Rule 7. Where demurrer to part of a bill to be held sufficient without being set down.

Costs.

Where a plea to the whole or part of a bill is allowed upon argument, the plaintiff, unless he undertakes to reply to the plea, or unless the court otherwise directs, shall pay to the party by whom the plea is filed the costs of the plea, and where the plea is to the whole bill the costs of the suit also; and in such

Rule 8. Costs on allowing a plea. Dismissal of bill on allowing plea.

last-mentioned case the order allowing the plea shall direct the dismissal of the bill. (Order 14, Rule 16.)

Rule 9. Where plea to be held sufficient without being set down for argument.

Costs.

Dismissal of bill when plea so held sufficient.

Rule 10. Undertaking to reply to plea.

Where a plea to the whole or part of a bill is not set down for argument within three weeks after the filing thereof, and the plaintiff does not within such three weeks either serve an order for leave to amend the bill, or by notice in writing undertake to reply to the plea, the plea shall be held good to the same extent and for the same purposes, and the same costs shall be paid by the plaintiff, as in the case of a plea to the whole or part of a bill allowed upon argument; and where the plea is to the whole bill, the defendant by whom such plea was filed may at any time after the expiration of such three weeks obtain as of course an order to dismiss the bill. (Order 14, Rule 17.)

Where the plaintiff undertakes to reply to a plea to the whole bill, he shall not, without the special leave of the court, take any proceeding against the defendant by whom the plea was filed till after replication. (Order 14, Rule 18.)

ORDER 9.—ANSWERS.

Rule 1. Form of answer.

Answers may be in a form similar to the form following, with such variations as the nature and circumstances of each particular case may require. (Order 15, Rule 1.)

IN CHANCERY.

Between JOHN LEE - - - - Plaintiff,
and

JAMES STYLES and HENRY JONES - - Defendants.

The answer of James Styles, one of the above-named defendants, to the bill of complaint of the above-named plaintiff.

In answer to the said bill, I, James Styles, say as follows :

1. I believe that the defendant Henry Jones does claim to have a charge upon the farm and premises comprised in the indenture of mortgage of the 1st of May 1850 in the plaintiff's bill mentioned.

2. Such charge was created by an indenture dated the 1st of November 1850, made between myself of the one part, and the said defendant Henry Jones of the other part, whereby I granted and conveyed the said farm and premises, subject to the mortgage made by the said indenture of the 1st of May 1850, unto the defendant Henry Jones, for securing the sum of 2,000*l.* and interest at the rate of *5*l.* per centum per annum*, and the amount due thereon is the said sum of 2,000*l.*, with interest thereon, from the date of such mortgage.

3. To the best of my knowledge, remembrance, and belief there is not any other mortgage, charge, or incumbrance affecting the aforesaid premises.

M.N.,

Name of Counsel.

Rule 2. Denial of a fact.

Where a defendant denies a fact he must traverse or deny it directly, and not by way of negative pregnant; as, for example, where he is interrogated whether he has received a sum of money, he must deny or traverse that he has received that sum, or any part thereof, or else set forth what part he has received, and so where a fact is alleged, with divers circumstances, the defendant must not deny or traverse it literally, as it is alleged in the bill, but must answer the point of substance positively and certainly. (Order 15, Rule 2.)

Rule 3. Defendant not bound to answer except to interrogatories which he is required to answer. Statement of ignorance of matter as to

A defendant shall not be bound to answer any statement or charge in the bill unless specially and particularly interrogated thereto; and a defendant shall not be bound to answer any of the interrogatories for the examination of the defendants except those interrogatories which such defendant is required to answer; and where a defendant answers any statement or charge in the bill, to which he is not interrogated, only by stating his ignorance of the matter so

stated or charged, such answer shall be deemed impertinent. (Order 15, which he is not
Rule 3.) interrogated.

A defendant shall be at liberty by answer to decline answering any inter- Rule 4. Defendant by
rogatory, or part of an interrogatory, from answering which he might have pro- answer declining to
tected himself by demurrer, and he shall be at liberty so to decline, notwith- answer.
standing he shall answer other part of such interrogatory or other interrogatories
from which he might have protected himself by demurrer, or other parts of the
bill as to which he was not interrogated. (Order 15, Rule 4.)

ORDER 10.—EXCEPTIONS.

When a plaintiff excepts to an answer for insufficiency, he shall take his Rule 1. Mode of ob-
exceptions in writing, signed by counsel. (Order 16, Rule 1.) jecting for insuffi-
ciency.

No pleading or other matter depending before the court shall be set down Rule 2. Mode of ob-
for hearing for scandal, unless exceptions are taken in writing and signed by jecting to scandal.
counsel describing the particular passages which are alleged to be scandalous.
(Order 16, Rule 2.)

Where any exceptions for scandal or insufficiency are taken, the solicitor of Rule 3. Exceptions
the party taking the same, or the party himself where he acts in person, shall to be filed and notice
leave such exceptions at the registrar's office to be filed, and shall on the same given.
day give notice of the filing thereof to the solicitor for the opposite party, or to
the opposite party himself where he acts in person. (Order 16, Rule 3.)

In deciding on the sufficiency or insufficiency of any answer or examination, Rule 4. Relevancy or
the relevancy or materiality of the statement or question referred to shall be materiality to be con-
taken into consideration. (Order 16, Rule 4.) sidered.

No order shall be made for leave to file exceptions *nunc pro tunc*. (Order 16, Rule 5.) Rule 5. Filing ex-
ceptions *nunc pro*
tunc.

After the filing of an answer, the plaintiff shall have six weeks within which Rule 6. Time for
he may file exceptions thereto for insufficiency. Where he does not file excep- filing exceptions for
tions within six weeks, such answer on the expiration of the six weeks shall be insufficiency.

No exceptions for insufficiency shall be taken to an answer after replication. Rule 7. No excep-
(Order 16, Rule 7.) tions after replication.

When a defendant desires to prevent exceptions to his answer for insuffi- Rule 8. Time for sub-
ciency being set down for hearing, he shall have for that purpose only eight mission to exceptions.
days after the filing of such exceptions within which he may submit to the
same. (Order 16, Rule 8.)

Where a defendant, not being in contempt, submits to exceptions to his Rule 9. Time for
answer for insufficiency before the plaintiff has set them down for hearing, he further answer where
shall have 14 days from the date of the submission within which he is to put in exceptions submitted
his further answer to the bill. (Order 16, Rule 9.) to before they are
set down.

Exceptions to answers for insufficiency, or to any pleading or other matter Rule 10. Prelimina-
depending before the court for scandal, shall be set down for hearing by the re- ries to setting down
gistrar at the request of the party filing the same, and the party setting down exceptions.
any such exceptions shall, on the day on which the same shall be so set down,
serve a notice thereof on the party whose pleading or other matter is excepted
to, otherwise the exceptions shall be deemed not set down. (Order 16, Rule 10.)

Where the plaintiff files exceptions for insufficiency to a defendant's answer, Rule 11. Earliest
the plaintiff shall not set them down for hearing before the expiration of eight time for setting down
days from the filing of such exceptions, unless in a case of election he shall be exceptions for insuffi-
required by notice in writing from such defendant to set them down in four ciency.
days, pursuant to Rule 4 of Order 31. (Order 16, Rule 11.)

Rule 12. Latest time for setting them down.

Where the plaintiff files exceptions for insufficiency to an answer, he shall set them down for hearing after the expiration of eight days, but within 14 days from the filing of such exceptions, otherwise the answer on the expiration of such 14 days shall be deemed sufficient. (Order 16, Rule 12.)

Rule 13. Time for setting down the old exceptions.

After exceptions to an answer for insufficiency have been filed, and a further answer has been put in, the plaintiff shall have 14 days from the filing of such further answer within which he may set down the old exceptions. Where the old exceptions are not set down within 14 days after such further answer has been put in, the answer shall on the expiration of such 14 days be deemed sufficient. (Order 16, Rule 13.)

Rule 14. Time for further answering after exceptions are set down.

Where, after exceptions to an answer for insufficiency are set down for hearing, a defendant, not being in contempt, submits to answer, or where the court holds the first or second answer to be insufficient, the court may appoint the time within which such defendant shall put in his further answer. (Order 16, Rule 14.)

Rule 15. Default in further answering.

After the allowance of or submission to exceptions to an answer for insufficiency, a defendant shall answer within the time allowed or appointed as aforesaid; and where he does not answer within the time so allowed or appointed, or obtain further time and answer within such further time, the plaintiff may sue out process of contempt against such defendant. (Order 16, Rule 15.)

Rule 16. Where answer deemed sufficient:

The answer of a defendant shall be deemed sufficient:

Article (1.)

(1.) Where no exceptions for insufficiency are filed thereto within six weeks after the filing of such answer.

Article (2.)

(2.) Where exceptions being filed the plaintiff does not set them down for hearing within 14 days after the filing thereof.

Article (3.)

(3.) Where within 14 days after the filing of a further answer the plaintiff does not set down the old exceptions. (Order 16, Rule 16.)

Rule 17. Notice of particular matter to which further answer required.

Where, after a defendant's second or third answer is filed, the plaintiff sets down the old exceptions for insufficiency, the particular exception or exceptions to which he requires a further answer shall be stated in the notice of setting down such exceptions. (Order 16, Rule 17.)

Rule 18. From what time answer to be deemed sufficient or insufficient.

Where, upon the hearing of exceptions, the answer is held sufficient, it shall be deemed to be so from the date of the order made on the hearing; and where the defendant submits to answer without an order from the court, the answer shall be deemed insufficient from the date of the submission. (Order 16, Rule 18.)

Rule 19. Third insufficient answer.

Upon a third answer being held to be insufficient, the court may order the defendant to be examined upon interrogatories to the points as to which it is held to be insufficient, and to stand committed until he shall have perfectly answered the interrogatories; and the defendant shall pay such costs as the court shall think fit to award. (Order 16, Rule 19.)

Costs.

Rule 20. Time for setting down exceptions for scandal.

Where any person having filed exceptions for scandal to any pleading or other matter depending before the court does not set the same down for hearing within six days after the filing thereof, such exceptions shall be considered as abandoned; and the person by whom such exceptions were filed shall pay to the opposite party such costs as may have been incurred by such party in respect of such exceptions. (Order 16, Rule 20.)

Costs.

Rule 21. Expunging scandalous matter.

Upon an order being made allowing exceptions for scandal to any pleading or other matter depending before the court, the registrar shall expunge from such pleading or other matter such parts thereof as the court shall have held to be scandalous. (Order 16, Rule 21.)

ORDER 11.—REPLICATION AND JOINING ISSUE.

Where a defendant is not required to answer and does not answer the bill, so that under the said Act to amend the practice and course of proceeding in this court, section 23, he is to be considered as having traversed the case made by the bill, issue shall nevertheless be joined by filing a replication in the form or to the effect of the replication set forth at the end of this order. (Order 17, Rule 1.)

No subpoena to rejoin shall hereafter be issued, and only one replication shall be filed in each cause, unless the court shall otherwise direct, and the replication shall be in the form set forth at the end of this order, or as near thereto as circumstances admit and require; and upon the filing of such replication the cause shall be deemed to be completely at issue, and each defendant may without any rule or order proceed to verify his case by evidence, and the plaintiff may in like manner proceed to verify his case by evidence as soon as notice of the replication being filed has been duly served on all the defendants who have filed an answer or plea, or against whom a traversing note has been filed, or who have not been required to answer and have not answered the bill. (Order 17, Rule 2.)

Rule 1. Replication even where no answer.

Rule 2. Abolition of subpoena to rejoin. One replication.

Form thereof.

How issue joined.

Form of Replication.

Between A.B. - - - - Plaintiff,

and

C.D., E.F., G.H., &c. - - Defendants.

"The plaintiff in this cause hereby joins issue with the defendant C.D." (*all the defendants who have answered or pleaded, or against whom a traversing note has been filed, or who have not been required to answer and have not answered the bill*), "and will hear the cause on bill and answer against the defendant E.F." (*all the defendants against whom the cause is to be heard on bill and answer*) "and on the order to take the bill as confessed against the defendant G.H." (*as the case may be*).

ORDER 12.—AFFIDAVITS.

All affidavits shall be taken and expressed in the first person of the deponent. (Order 18, Rule 1.)

No costs shall be allowed in respect of any affidavit unless such affidavit is expressed in the first person of the deponent. (Order 18, Rule 2.)

All affidavits, whether to be used at the hearing of a cause or on any other proceeding before the court, shall state distinctly what facts or circumstances deposed to are within deponent's own knowledge, and his means of knowledge, and what facts or circumstances deposed to are known to or are believed by him by reason of information derived from other sources than his own knowledge, and what such sources are. (Order 18, Rule 3.)

The costs of affidavits not in conformity with the preceding rule shall be disallowed on taxation, unless the court shall otherwise direct. (Order 18, Rule 4.)

Before any affidavit is exhibited in court or otherwise produced for the purpose of grounding any order, writ, process, or proceeding thereon, such affidavit shall be filed in the office of the registrar; and no order grounded upon an affidavit shall be drawn up unless the affidavit be first so filed. (Order 18, Rule 5.)

Rule 1. To be expressed in the first person.

Rule 2. No costs allowed when not so expressed.

Rule 3. Sources of knowledge to be stated.

Rule 4. Costs where sources of knowledge not stated.

Rule 5. Filing of affidavits.

ORDER 13.—EVIDENCE GENERALLY.

When the defendant has answered, the plaintiff shall carefully consider the answer, and if he finds that upon the answer alone, without further proof, there is sufficient ground for a final order or decree, he shall proceed upon the answer

Rule 1. Extent to which evidence is to be entered into.

Costs.

without entering into evidence; or, if it is needful to prove a particular point, he shall not enter into evidence as to other points that are not necessary to be proved. In the first case, if he enters into evidence at all, and in the second case, if he enters into evidence as to such other points, he will render himself liable to pay the costs thereof. (Order 19, Rule 1.)

Rule 2. Hearing on bill and answer.

Where a cause is heard upon bill and answer, the answer must be admitted to be true in all points, and no other evidence shall be admitted, unless it be a matter of record to which the answer refers and which is proveable by the record. (Order 19, Rule 2.)

Rule 3. As to taking evidence orally or by affidavit.

The time within which the plaintiff, in any suit commenced by bill, shall give the defendant notice of the mode in which he desires that the evidence to be adduced in the cause shall be taken, shall be seven days after issue joined therein, and where the plaintiff shall not within such time give any such notice, or where the plaintiff shall give such notice and shall therein desire the evidence to be adduced upon affidavit, the plaintiff and defendant respectively shall be at liberty to verify their respective cases by affidavit, unless the defendant or some or one of the defendants, if more than one, shall within 14 days after the expiration of the said period of seven days give notice to the plaintiff or his solicitor that he or they desire the evidence to be oral. (Rule 31st, 7th August 1852.)

Rule 4. Oral examination of witness at hearing.

Any party in a cause may by writ of Subpœna ad testificandum or duces tecum compel the attendance at the hearing of any person whom he may desire to produce as a witness.

Rule 5. Oral examination of witness disabled by age, sickness, or infirmity from attending court.

The evidence of any person who from age, sickness, or infirmity shall be disabled from attending for examination before the Vice-Chancellor in court, shall be taken at such time and place and on such notice as the Vice-Chancellor shall appoint.

Rule 6. Affidavit or deposition before issue joined.

No affidavit or deposition filed or made before issue joined in any cause shall, without special leave of the court, be received at the hearing thereof, unless, within one month after issue joined, or within such longer time as may be allowed by special leave of the court, notice in writing shall have been given by the party intending to use the same to the opposite party of his intention in that behalf. (Order 19, Rule 12.)

Rule 7. Closing of evidence.

The evidence on both sides in any cause to be used at the hearing thereof, when taken upon affidavit, shall be closed within eight weeks after issue joined therein, unless enlarged by special order.

Rule 8. Person who has made affidavit may be cross-examined at hearing.

Where it is desired to cross-examine at the hearing any person who has made an affidavit to be used at the hearing, such person may be compelled by Subpœna ad testificandum to attend at the hearing for cross-examination, and such person may be re-examined at such hearing.

Rule 9. Evidence at hearing to be taken *de die in diem*.

Evidence taken orally at the hearing shall be taken continuously *de die in diem* until concluded, unless the court shall otherwise order.

Rule 10. Vice-Chancellor himself may take down deposition of witness.

The Vice-Chancellor may himself take down in writing any depositions taken upon oral examination before him, and may require such deposition, or a fair copy thereof, to be signed by the person making the same.

Rule 11. Application of orders to evidence taken on motion for decree and after the hearing.

The above rules with reference to the examination, cross-examination, and re-examination of witnesses shall extend and be applicable to evidence taken in any cause or motion for a decree or subsequently to the hearing thereof. (Order 19, Rule 10.)

ORDER 14.—PRELIMINARY ACCOUNTS AND INQUIRIES.

Where it appears that certain preliminary accounts and inquiries must be taken and made before the rights and interests of the parties to the cause can be ascertained, or the questions therein arising can be determined, the plaintiff

shall be at liberty, at any time after the defendants shall have appeared to the bill, to move the court on notice that such inquiries and accounts shall be taken and made; and an order directing such inquiries and accounts shall thereupon be made, without prejudice to any question in the cause, if it shall appear to the court that the same will be beneficial to such (if any) parties to the cause as may not be competent to consent thereto, and that the same is consented to by such (if any) of the defendants as being competent to consent have not put in their answers to the bill, and that the same is consented to by or is proper to be made upon the statements contained in the answers of such (if any) of the defendants as have answered the bill. (Order 20.)

ORDER 15.—SETTING DOWN AND HEARING.

Within four weeks after the evidence, when taken on affidavit, has been closed, and within eight weeks after issue joined, when evidence is intended to be taken orally at the hearing, the plaintiff shall set down his cause and obtain and serve a subpoena to hear judgment; if he does not, any defendant, after the expiration of such four or eight weeks, as the case may be, may either move to dismiss the bill for want of prosecution, or may set the cause down at his own request, and may obtain a subpoena to hear judgment, and serve the same on the plaintiff. (Order 21, Rule 1.)

Rule 1. Time for setting down and serving subpoena.

Consequence of default.

A subpoena to hear judgment shall not be returnable at any time less than one month from the teste of the writ, and it shall be served at least ten days before the return thereof. (Order 21, Rule 5.)

Rule 2. When subpoena returnable and served.

ORDER 16.—TAKING BILLS PRO CONFESSO.

1.—Preliminary Proceedings.

Upon the execution of an attachment for want of answer against any defendant, or at any time within three weeks afterwards, the plaintiff may cause such defendant to be served with a notice of motion, to be made on some day not less than three weeks after the day of such service, that the bill may be taken *pro confesso* against such defendant; and thereupon, unless such defendant has in the meantime put in his answer to the bill, or obtained further time to answer the same, the court, if it so think fit, may order the bill to be taken *pro confesso* against such defendant, either immediately or at such time, and upon such terms, and subject to such conditions as under the circumstances of the case the court shall think proper. (Order 22, Rule 1.)

Rule 1. Notice of motion that bill be taken pro confesso after attachment for want of answer.

Where any defendant, whether within or not within the jurisdiction of the court, does not put in his answer in due time after appearance entered by or for him, and the plaintiff is unable, with due diligence, to procure a writ of attachment or any subsequent process for want of answer to be executed against such defendant, by reason of his being out of the jurisdiction of the court, or being concealed, or for any other cause, then such defendant shall, for the purpose of enabling the plaintiff to obtain an order to take the bill *pro confesso*, be deemed to have absconded to avoid or to have refused to obey the process of the court. (Order 22, Rule 2.)

Rule 2. Where defendant not answering shall be deemed to have absconded to avoid process or to have refused to obey process.

Where any defendant who, under the 2nd rule of this order, may be deemed to have absconded to avoid or to have refused to obey the process of the court, appears in person or by his own counsel or solicitor, the plaintiff may serve upon such defendant, or his counsel or solicitor, a notice that on a day in such notice named, being not less than fourteen days after the service of such notice, the court will be moved that the bill may be taken *pro confesso* against

Rule 3. Notice of motion that bill be taken pro confesso where such defendant has appeared for himself.

such defendant; and the plaintiff must, upon the hearing of such motion, satisfy the court that such defendant ought, under provisions of the 2nd rule of this order, to be deemed to have absconded to avoid or to have refused to obey the process of the court; and the court, if so satisfied, and if an answer has not been filed, may, if it so think fit, order the bill to be taken *pro confesso* against such defendant, either immediately or at such time or upon such further notice as under the circumstances of the case the court may think proper. (Order 22, Rule 3.)

Rule 4, or where he has had appearance entered for him.

Where any defendant who, under the 2nd rule of this order, may be deemed to have absconded to avoid or to have refused to obey the process of the court, has had an appearance entered for him under the 3rd, 5th, 6th, or 7th rule of order, "service of copy of bill and appearance," and does not afterwards appear in person or by his own counsel or solicitor, the plaintiff may cause to be inserted in the official or contract newspaper for printing public advertisements a notice that on a day in such notice named (being not less than four weeks after the first insertion of such notice in such newspaper) the court will be moved that the bill may be taken *pro confesso* against such defendant, and the plaintiff must, upon the hearing of such motion, satisfy the court that such defendant ought, under the provisions of the 2nd rule of this order, to be deemed to have absconded to avoid or to have refused to obey the process of the court, and that such notice of motion has been inserted in such newspaper once in every week, from the time of the first insertion thereof up to the time for which the said notice is given; and the court, if so satisfied, and if an answer has not been filed, may, if it so think fit, order the bill to be taken *pro confesso* against such defendant, either immediately or at such time or upon such further notice as under the circumstances of the case the court may think proper. (Order 22, Rule 4.)

Rule 5. Defendant in custody submitting to have the bill taken *pro confesso*.

Any defendant, being in custody for want of his answer, and submitting to have the bill taken *pro confesso* against him, may apply to the court, upon motion with notice to be served on the plaintiff, to be discharged out of custody; and thereupon the court may order the bill to be taken *pro confesso* against such defendant, and may order him to be discharged out of custody upon such terms as appear to be just, unless it appears from the nature of the plaintiff's case, or otherwise to the satisfaction of the court, that justice cannot be done to the plaintiff without discovery or further discovery from such defendant. (Order 22, Rule 5.)

2.—Hearing.—Decree.

Rule 6. Hearing.

No cause in which an order is made that a bill be taken *pro confesso* against a defendant shall be heard on the same day in which the order is made, but the cause shall be set down to be heard, and the court, if it so think fit, may appoint a special day for the hearing thereof. (Order 22, Rule 6.)

Rule 7. Rights of defendant at hearing.

A defendant against whom an order to take a bill *pro confesso* is made may appear at the hearing of the cause, and where he waives all objection to the order, but not otherwise, he may be heard to argue the case upon the merits as stated in the bill. (Order 22, Rule 7.)

Rule 8. Decree where absolute.

Upon the hearing of a cause in which a bill has been ordered to be taken *pro confesso*, such decree shall be made as to the court shall seem just; and in the case of any defendant who has appeared at the hearing and waived all objection to such order to take the bill *pro confesso*, or against whom the order has been made after appearance by himself or his own counsel or solicitor, or upon notice served on him, or after the execution of a writ of attachment against him, the decree shall be absolute. (Order 22, Rule 8.)

In pronouncing the decree the court may, either upon the case stated in the bill, or upon that case and a petition presented by the plaintiff for the purpose, as the case may require, order a receiver of the real and personal estate of the defendant against whom the bill has been ordered to be taken *pro confesso*, to be appointed with the usual directions, or direct a sequestration of such real and personal estate to be issued, and may (if it appear to be just) direct payment to be made out of such real or personal estate of such sum of money as at the hearing or any subsequent stage of the cause the plaintiff shall appear to be entitled to; provided that unless the decree be absolute such payment shall not be directed without security being given by the plaintiff for restitution, in case the court should afterwards think fit to order restitution to be made. (Order 22, Rule 9.)

Rule 9. Power to order receiver, or sequestration, and payment to plaintiff.

A decree founded on a bill taken *pro confesso* is to be passed and entered as other decrees. (Order 22, Rule 10.)

Rule 10. Passing and entering decree.

After a decree founded on a bill taken *pro confesso* has been passed and entered, an office copy thereof shall (unless the court shall dispense with service thereof) be served on the defendant against whom the order to take the bill *pro confesso* was made, or his counsel or solicitor; and where the decree is not absolute under the 8th rule of this order, such defendant or his counsel or solicitor shall be at the same time served with a notice to the effect that if such defendant desires permission to answer the plaintiff's bill and set aside the decree, application for that purpose must be made to the court within the time specified in the notice, or that otherwise such defendant will be absolutely excluded from making any such application. (Order 22, Rule 11.)

Rule 11. Service of copy of decree and notice as to application for leave to answer and set aside decree where not absolute under the 8th rule.

Where such notice as is mentioned in the 11th rule of this order is to be served within the jurisdiction of the court, the time therein specified for such application to be made by the defendant shall be three weeks after service of such notice, but where such notice is to be served out of the jurisdiction of the court such time shall be specially appointed by the court on the *ex parte* application of the Plaintiff. (Order 22, Rule 12.)

Rule 12. Time for making application.

No proceeding shall be taken, and no receiver appointed under the decree nor any sequestrator under any sequestration issued in pursuance thereof shall take possession of or in any manner intermeddle with any part of the real or personal estate of a defendant, and no other process shall issue to compel performance of the decree, without leave of the court, to be obtained on motion with notice served on such defendant or his counsel or solicitor, unless the court shall dispense with such service. (Order 22, Rule 13.)

Rule 13. Leave of court before execution of decree.

Any defendant waiving all objection to the order to take the bill *pro confesso*, and submitting to pay such costs as the court may direct, may, before enrolment of the decree, have the cause reheard upon the merits stated in the bill, the petition for rehearing being signed by counsel. (Order 22, Rule 14.)

Rule 14. Rehearing.

Where a decree is not absolute under the 8th rule of this order, the court may order the same to be made absolute on the motion of the plaintiff made:

Rule 15. Where a decree not absolute under the 8th rule, may be made absolute:

(1.) After the expiration of three weeks from the service of a copy of the decree on a defendant, where the decree has been served within the jurisdiction.

Article (1.)

(2.) After the expiration of the time limited by the notice provided for by the 11th rule of this order, where the decree has been served without the jurisdiction.

Article (2.)

(3.) After the expiration of three years from the date of the decree, where a defendant has not been served with a copy thereof, and such order may be made either on the first hearing of such motion, or on the expiration of any further time which the court may, on the hearing of such motion, allow to the

Article (3.)

defendant for presenting a petition for leave to answer the bill. (Order 22, Rule 15.)

Rule 16. Application for leave to answer bill where decree not absolute under the 8th or the 15th rule.

Where the decree is not absolute under the 8th rule, and has not been made absolute under the 15th rule of this order, and a defendant has a case upon merits not appearing in the bill, he may apply to the court by petition, stating such case, and submitting to such terms with respect to costs and otherwise as the court may think reasonable, for leave to answer the bill; and the court, if satisfied that such case is proper to be submitted to the judgment of the court, may, if it think fit, and upon such terms as seem just, vacate the enrolment (if any) of the decree, and permit such defendant to answer the bill; and where permission is so given to put in an answer, leave may be given to file a separate replication to such answer, and issue may be joined, and witnesses examined, and such proceedings had as if the decree had not been made and no proceedings against such defendant had been had in the cause. (Order 22, Rule 16.)

Rule 17. Representatives of parties.

New interests.

The rights and liabilities of any plaintiff or defendant under a decree made upon a bill taken *pro confesso* shall extend to the representatives of any deceased plaintiff or defendant, and to any persons claiming under any person who was plaintiff or defendant at the time when the decree was pronounced; and with reference to the altered state of parties and any new interests acquired, the court may, upon motion or petition served in such manner and supported by such evidence as under the circumstances of the case the court may deem sufficient, permit any party or the representative of any party to file such bill, or adopt such proceedings as the nature and circumstances of the case require, for the purpose of having the decree (if absolute) duly executed, or for the purpose of having the matter of the decree (if not absolute) duly considered, and the rights of the parties duly ascertained and determined. (Order 22, Rule 17.)

ORDER 17.—DECREES AND ORDERS.

Rule 1. Contents of decrees and orders.

It shall not be necessary in drawing up any decree or order to insert the year of the Sovereign, or to recite any of the pleadings or any part of the petition or notice of motion, as the case may be, or any previous decree or order in the cause or matter, or any report, certificate, affidavit, or other document that has been or before the decree or order is completed shall be filed or recorded in the court, but it shall be sufficient to refer thereto, save only that in matters of contempt, or where the decree or order varies from some general rule, and in such other cases as the court shall direct or the registrar shall in his discretion see fit, the registrar shall make such short recitals as may be necessary to show the grounds on which the decree or order is granted. (Order 23, Rule 2.)

Rule 2. Decrees and orders to state the time for doing the act required. Memorandum of consequences on copy served.

Every decree or order made in any suit or matter requiring any person to do an act thereby ordered, shall state the time, or the time after service of the decree or order, within which the act is to be done; and upon the copy of the decree or order which shall be served upon the person required to obey the same, there shall be endorsed a memorandum in the words or to the effect following, viz.: "If you, the within named *A.B.*, neglect to obey this decree (or order) by the time therein limited, you will be liable to be arrested under a writ of attachment issued out of the Court of Chancery, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same decree or order." (Order 23, Rule 10.)

Rule 3. Decree saving the rights of absent parties.

Where a defendant, at the hearing of a cause, objects that a suit is defective for want of parties, and has not by plea or answer taken the objection, and therein specified by name or description the parties to whom the objection applies, the court, if it shall think fit, may make a decree saving the rights of the absent parties. (Order 23, Rule 11.)

Where a defendant makes default at the hearing of a cause, the decree shall be absolute in the first instance, without giving the defendant a day to show cause; and such decree shall have the same force and effect as if the same had been a decree nisi in the first instance, and afterwards made absolute in default of cause shown by the defendant. (Order 23, Rule 12.)

Rule 4. Decree in default of defendant.

If the plaintiff, after the cause is set down to be heard, causes the bill to be dismissed on his own application, or if the cause is called on to be heard in court and the plaintiff makes default, and by reason thereof the bill is dismissed, such dismissal, unless the court shall otherwise direct, shall be equivalent to a dismissal on the merits, and may be pleaded in bar to another suit for the same matter. (Order 23, Rule 13.)

Rule 5. Dismissal on plaintiff's application or default.

Every decree or order for an account of the personal estate of a testator or intestate shall contain a direction for an inquiry what parts (if any) of such personal estate are outstanding or undisposed of, unless the court shall otherwise direct. (Order 23, Rule 14.)

Rule 6. Inquiry as to personally outstanding or undisposed of.

Where by any decree or order, whether made in court or in chambers, any accounts are directed to be taken or inquiries to be made, each direction shall be numbered, so that, as far as may be, each distinct account and inquiry may be designated by a number, and such decree or order may be in the form set forth in the schedule to this rule, with such variations as the circumstances of the case may require. (Order 23, Rule 15.)

Rule 7. Directions as to accounts and inquiries to be numbered.

In taking any account directed by any decree or order, all just allowances shall be made, without any direction for that purpose in such decree or order. (Order 23, Rule 16.)

Rule 8. Just allowances.

The time within which a party served with notice of a decree under the said Act to amend the practice and course of proceeding in this court, section 38, may apply to the court to add to the decree, shall be one month after such service. (Order 23, Rule 18.)

Rule 9. Time for motion to add to a decree.

A memorandum of the service upon any person of notice of the decree in any suit under the 8th rule of the same section shall be entered in the office of the registrar, upon due proof by affidavit of such service. (Order 23, Rule 19.)

Rule 10. Service of notice of decree to be entered.

Notice of a decree or order served pursuant to the 8th rule of the same section shall be entitled in the cause, and there shall be endorsed thereon a memorandum in the form or to the effect following, that is to say: "Take notice, that, from the time of the service of this notice, you (*or, as the case may be, the infant or person of unsound mind*) will be bound by the proceedings in the above cause in the same manner as if you (*or the said infant or person of unsound mind*) had been originally made a party to the suit, and that you (*or the said infant or person of unsound mind*) may, by an order of course, have liberty to attend the proceedings under the within-mentioned decree (*or order*), and that you (*or the said infant or person of unsound mind*) may, within one month after the service of this notice, apply to the court to add to the decree (*or order*)." (Order 23, Rule 20.)

Rule 11. How such notice entitled and endorsed.

Clerical mistakes in decrees or orders, or errors arising from any accidental slip or omission, may at any time before enrolment be corrected upon motion or petition, without the form and expense of a rehearing. (Order 23, Rule 21.)

Rule 12. Clerical mistakes or accidental slips.

Where any person who has obtained any decree or order upon condition does not perform or comply with such condition, he shall be considered to have waived or abandoned such decree or order so far as the same is beneficial to himself; and any other person interested in the matter may, on breach or non-performance of the condition, take either such proceedings as the decree or

Rule 13. Breach of conditional decree or order.

order may in such case warrant, or such proceedings as might have been taken if no such decree or order had been made, unless the court shall otherwise direct. (Order 23, Rule 22.)

Rule 14. Filing of petition, &c. before order made.

No order made on a petition, and no order to make a submission to arbitration or an award on order of the court, and no decree or order wherein any written admissions of evidence are entered as read, shall be passed, until the original petition, submission to arbitration, award, or written admissions of evidence shall have been filed in the office of the registrar. (Order 23, Rule 23.)

Rule 15. Contents of enrolment. Certificate of registrar as to the correctness of the statements.

For the purpose of diminishing expense in the enrolment of decrees and orders, no part of the statements or allegations contained in any bill, answer, petition, notice of motion, affidavit, report, or certificate, shall be recited or stated in any such enrolment, but it shall be sufficient to state in such enrolment the filing of the bill or petition, or service of the notice of motion, with the names of the parties thereto, together with the prayer of the bill or petition, or the object of the notice of motion, the filing of the several answers and other pleadings or proceedings, and the short purport or effect of any decree or order made, had, put in, or taken before the date of the decree or order enrolled and leading thereto; and no decree or order shall be enrolled until the registrar shall have inspected the docket of such enrolment, and shall have certified thereon that the statement of the pleadings, decrees, orders, reports, certificates, and proceedings therein contained is correct. (Order 23, Rule 24.)

Rule 16. Enrolment within six months.

All decrees and orders pronounced or made in any cause or matter in this court which shall be enrolled, shall be so enrolled within six calendar months after the same shall be so pronounced or made respectively and not at any time after, without special leave of the court, such leave to be obtained in manner next herein-after mentioned. (Order 23, Rule 25.)

Rule 17. Enrolment after six months.

Where any party is desirous to enrol a decree or order after the expiration of six calendar months and within five years from the time the same shall have been made, he may apply to the court by motion for an order for that purpose; and such order, unless made by consent of the opposite party or on notice to all the parties, shall be a conditional order in the first instance, but shall become absolute without further order, unless cause be shown against it within 28 days after service thereof. (Order 23, Rule 26.)

Rule 18. Caveat against enrolment.

Where a caveat is entered with the registrar to stay the signing of the docket of the enrolment of any decree or order, such caveat shall be prosecuted with effect within 28 days after the docket of such decree or order shall be left to be signed with the registrar by the party who entered the same; otherwise such caveat shall be of no force, and the docket of such decree or order may immediately after the expiration of the said 28 days be presented to be signed, as if no such caveat had been entered. (Order 23, Rule 27.)

Rule 19. Enrolment within five years. Enlargement of time for enrolment.

No enrolment of any decree or order shall be allowed after the expiration of five years from the date thereof; but the Vice-Chancellor shall be at liberty, on motion and notice to all parties, where it shall appear to him under the peculiar circumstances of the case to be just and expedient, to enlarge that period. (Order 23, Rule 28.)

SCHEDULE.

(Referred to in 7th Rule of Order entitled "Decrees and Orders No. 17.")

FORM OF ORDERING ACCOUNTS AND INQUIRIES.

This court doth order (and decree) that the following accounts and inquiry be taken and made, that is to say :

1. An account of the personal estate not specifically bequeathed, of *A.B.*, deceased, the testator in the pleadings named, come to the hands of, &c.
2. An account of the testator's debts.
3. An account of the testator's funeral expenses.
4. An account of the testator's legacies and annuities (if any) given by the testator's will.
5. An inquiry what parts (if any) of the testator's said personal estate are outstanding or undisposed of.

And it is ordered that the testator's personal estate not specifically bequeathed be applied in payment of his debts and funeral expenses in a due course of administration, and then in payment of the legacies and annuities (if any) given by his will.

(If ordered.)

And it is ordered that the following further inquiries and accounts be made and taken, that is to say :

6. An inquiry what real estate the testator was seised of or entitled to at the time of his death.
7. An account of the rents and profits of the testator's real estate received by, &c.
8. An inquiry what incumbrances (if any) affect the testator's real estate, or any and what parts thereof.

(If sale ordered.)

9. An account of what is due to such of the incumbrancers as shall consent to the sale herein-after directed in respect of their incumbrances.

10. An inquiry what are the priorities of such last-mentioned incumbrances.

11. And it is ordered that the testator's real estate be sold, with the approbation of the master, &c.

And it is ordered that the further consideration of this cause be adjourned, and any of the parties are to be at liberty to apply as they may be advised.

ORDER 18.—RECEIVERS.

1. Where an order is made directing a receiver to be appointed, unless otherwise ordered, the person to be appointed shall first give security, to be allowed by the master and taken before him, duly to account for what he shall receive on account of the rents and profits for the receipt of which he is to be appointed, at such periods as the judge shall appoint, and to account for and pay the same as the court shall direct, or, as the case may be, to be answerable for what he shall receive in respect of the personal estate for the getting in and collection of which he is to be appointed, and to account for and pay the same as the court shall direct; and the person so to be appointed shall be allowed a proper salary for his care and pains in receiving such rents and profits, or, as the case may be, shall have an allowance made to him in respect of his collecting such personal estate. (Order 24, Rule 1.)

Rule 1. Security for receivers.

Salary.

2. The judge shall fix the times at which receivers shall (annually or at longer or shorter periods, at his discretion) leave and pass their accounts, and also the days upon which such receivers shall pay the balances appearing due on the accounts so left, or such part thereof as the master shall certify as proper to

Rule 2. Fixing days for receivers to leave and pass their accounts and pay their balances.

be paid by them; and with respect to such receivers as shall neglect to leave and pass their accounts and pay the balances thereof at the times so to be fixed for that purpose as aforesaid, the master before whom such receivers are to account shall, from time to time, when their subsequent accounts are produced to be examined and passed, not only disallow the salaries therein claimed by such receivers, but also charge them with interest after the rate of 6*l. per cent. per annum* upon the balances so neglected to be paid by them during the time the same shall appear to have remained in the hands of such receivers. (Order 24, Rule 2.)

Rule 3. Summons to proceed on account, entry of account, affidavit verifying same.

3. Upon a receiver's account being left in the master's office to be passed, a summons to proceed thereon shall be taken out, and such accounts shall be entered in books; and the affidavit verifying the account so passed shall refer to it as an exhibit, and not be annexed to it. (Order 24, Rule 3.)

Rule 4. Deposit of account.

4. When a receivership has been completed, the book or books containing the accounts shall be deposited in the office of the registrar. (Order 24, Rule 4.)

ORDER 19.—INJUNCTIONS.

Injunctions to stay proceedings at law.

No injunction for stay of proceedings at law shall be granted as of course for default of appearance or of answer to the bill. (Order 25.)

ORDER 20.—SUBPŒNAS.

Rule 1. Præcipe.

Where it is intended to sue out a subpœna, a præcipe for that purpose in the usual form shall in all cases be delivered, and filed at the office of the registrar. (Order 28, Rule 1.)

Rule 2. Form of subpœna.

Writs of subpœna shall be in the forms mentioned in the schedule to this order, with such alterations and variations as circumstances may require. (Order 28, Rule 2.)

Rule 3, 4. Number of persons in subpœna.

Every subpœna other than a Subpœna duces tecum shall contain three names where necessary or required. (Order 28, Rule 3.)

No more than three persons shall be included in one Subpœna duces tecum, and the party suing out the same shall be at liberty to sue out a subpœna for each person if it shall be deemed necessary or desirable. (Order 28, Rule 4.)

Rule 5. Correcting and resealing subpœna.

In the interval between the suing out and service of any subpœna, the party suing out the same may correct any error in the names of parties or witnesses, and may have the writ resealed upon leaving a corrected præcipe of such subpœna, marked with the words "altered and resealed." (Order 28, Rule 5.)

Rule 6. Mode of service.

The service of subpœna shall be effected by delivering a copy of the writ and of the endorsement thereon, and at the same time producing the original writ. (Order 28, Rule 6.)

Rule 7. Service of subpœna to hear judgment.

Service upon a defendant's solicitor of a subpœna to hear judgment shall be deemed good service upon such defendant. (Order 28, Rule 7.)

Rule 8. Affidavits to prove service of subpœna.

Affidavits filed for the purpose of proving the service of a subpœna upon any defendant must state when, where, and how such subpœna was served, and by whom such service was effected. (Order 28, Rule 8.)

Rule 9. Time for service of subpœna.

The service of any subpœna, except a subpœna for costs, shall be of no validity if not made within twelve weeks after the teste of the writ. (Order 28, Rule 9.)

SCHEDULE.

WRITS OF SUBPENA.

No. 1.—*Subpæna to hear Judgment.*

Victoria by the grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith.

To greeting.

We command you (and every of you) that you appear before our Vice-Chancellor at the Court House in the city of Saint John on the day of next, or whenever thereafter a certain cause now depending in our Court of Chancery wherein *A.B.* (and others *or* another) is (*or are*) plaintiff (*or* plaintiffs) and *C.D.* (and others *or* another) is (*or are*) defendant (*or* defendants) shall come on for hearing, then and there to receive and abide by such judgment and decree as shall then *or* thereafter be made and pronounced, upon pain of judgment being pronounced against you by default.

Witness our well-beloved our Governor and Chancellor of Antigua
the day of in the year of our reign.

No. 2.—*Subpæna ad testificandum and Subpæna duces tecum.*

Victoria, &c.

To greeting.

We command you (and every of you) that, laying all other matters aside, and notwithstanding any excuse, you personally be and appear before our Vice-Chancellor on at the Court House in the city of Saint John (*or* before the master of our Court of Chancery on at) to testify the truth according to your knowledge in a certain suit now depending in our Court of Chancery, wherein *A.B.* (and others *or* another) is (*or are*) plaintiff (*or* plaintiffs) and *C.D.* (and others *or* another) is (*or are*) defendant (*or* defendants) on the part of the

In case of Subpæna duces tecum add (and that you then and there bring with you and produce, &c.) and hereof fail not at your peril.

Witness, &c.

No. 3.—*Subpæna for Costs.*

Victoria, &c.

To greeting.

We command you (and every of you) that you pay *or* cause to be paid, immediately after the service of this writ, to *or* the bearer of these presents £ costs in a cause wherein *A.B.* (and others *or* another) is (*or are*) plaintiff (*or* plaintiffs) and *C.D.* (and others *or* another) is (*or are*) defendant (*or* defendants), (*or* in the matter of as the case may be,) by our Court of Chancery adjudged to be paid by you the said under pain of an attachment issuing against your person, and such process for contempt as the court shall award in default of such payment.

Witness, &c.

ORDER 21.—PROCESS TO ENFORCE DECREES AND ORDERS.

Where any person is by any decree or order directed to pay any money, or deliver up *or* transfer any property real *or* personal to another, it shall not be necessary to make any demand thereof, but the person so directed shall be bound to obey such decree or order upon being duly served with the same without demand, and process of contempt may issue accordingly to enforce performance thereof. (Order 29, Rule 1.)

Rule 1. Necessity without demand of performing decree *or* order to pay money *or* transfer *or* deliver up property.

Every person, not being a party in any cause who obtains an order *or* in whose favour an order is made shall be entitled to enforce obedience to such order by the same process as if he were a party to the cause; and every person not

Rule 2. Process for *or* against persons not parties to cause.

being a party in any cause, against whom obedience to any order may be enforced, shall be liable to the same process for enforcing obedience to such order as if he were a party to the cause. (Order 29, Rule 2.)

1.—Attachment and Sequestration.

Rule 3. Mode of enforcing decrees and orders.

Attachment.

Sequestration.

Where any person is by a decree or order made in any suit or matter directed to pay money or do any other act in a limited time, and after due service of such decree or order refuses or neglects to obey the same according to the exigency thereof, the person prosecuting such decree or order shall, at the expiration of the time limited for the performance thereof, be entitled to a writ or writs of attachment against the disobedient person; and in case such person shall be taken or detained in custody, under any such writ of attachment, without obeying the same decree or order, then the person prosecuting the same decree or order shall, upon the return of the provost marshal that the disobedient person has been so taken or detained, be entitled to a commission of sequestration against his estate and effects; and in case the provost marshal shall make the return *non est inventus* to such writ or writs of attachment, the person prosecuting such decree or order shall be entitled to a commission of sequestration. (Order 29, Rule 3.)

2.—Writ of Assistance.

Rule 4. Writ of assistance.

Upon due service of a decree or order for delivery of possession, the person prosecuting the same shall be entitled to an order for a writ of assistance. (Order 29, Rule 5.)

3.—Writ of Execution.

Rule 5. Writ of execution on order for payment of money or costs.

Every person to whom, in any cause or matter pending in this court, any sum of money or any costs shall have been directed to be paid, shall, after the lapse of one month from the time when the decree or order for payment was duly passed and entered, be entitled to sue out a writ of execution in the form set forth in the schedule to this order, or as near thereto as the circumstances of the case may require. (Order 29, Rule 6.)

Rule 6. Speedy execution.

It shall be lawful for the court or judge to order execution to issue at an earlier or later period than the said period of one month with or without terms.

Rule 7. Seal on writ.

Such writ shall be sealed with the seal directed to be provided by the fifth section of the said Act to amend the practice and course of proceeding in the said court, and shall be signed by the registrar.

Rule 8. By whom and how such writ to be executed.

Return of, and of proceedings thereunder.

Fees to provost marshal.

Such writ when sealed shall be delivered to the provost marshal or other officer to whom the execution of the like writ issuing out of the Court of Common Pleas belongs, and shall be executed by such provost marshal or other officer in the same manner in which he ought to execute such like writ; and the provost marshal or other officer shall make return of such writ and of the proceedings thereunder in like manner as on a writ and proceedings in the Court of Common Pleas; and for the execution of such writ such provost marshal or other officer shall not take or be allowed any fees other than such as are or shall be from time to time allowed by lawful authority for the execution of the like writ issuing out of the Court of Common Pleas. (Order 29, Rule 8.)

SCHEDULE.

(Referred to in the 5th Rule of Order entitled "Process to enforce Decrees and Orders.")

WRIT of EXECUTION on a Decree or Order of the Court of Chancery for Payment of Money, or Money and Interest, or Money and Costs, or Money, Interest, and Costs, or Costs.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith :

To the Provost Marshal of our Island of Antigua, greeting.

Whereas by a decree (or order, *as the case may be*,) of our Court of Chancery of Antigua, bearing date the day of made in a certain cause (or certain causes, *as the case may be*,) wherein *A.B.* is plaintiff and *C.D.* is defendant (or in a certain matter there depending, intituled "*In the matter of E.F.*," *as the case may be*,) the sum of £ was decreed (or ordered, *as the case may be*,) to be paid Money. Money and interest. by the said *C.D.* to the said *A.B.* (with interest thereon at the rate of £ per centum per annum from the day of) ;

(together with certain costs in the said decree (or order, *as the case may be*,) mentioned, Money and costs. and which costs have been taxed and allowed by the taxing officer or master of our said court at the sum of £ as appears by his certificate dated the day of) ;

(with interest thereon at the rate of £ or per centum per annum, together Money, interest, and with certain costs in the said decree (or order, *as the case may be*,) mentioned, and costs. which costs have been taxed and allowed by the taxing officer or master of our said court at the sum of £ as appears by his certificate dated the day of) ;

(certain costs were decreed (or ordered, *as the case may be*,) to be paid by the said Costs. *C.D.* to the said *A.B.*, and which costs have been taxed and allowed by the taxing officer or master of our said court at the sum of £ as appears by his certificate dated the day of).

We therefore require and command you to levy the said sum of £ (with interest thereon as aforesaid);

the said sum of £ or (with interest thereon as aforesaid) and the said sum of £ with the costs endorsed hereon, and all subsequent costs and charges Cost of writ. in and about the execution of this writ of the goods, chattels, lands, tenements, hereditaments, rentcharges, and annuities belonging to the said *C.D.*, and debts due to the said *C.D.*, in the manner directed and appointed by virtue of the Act in that case made and provided ; and in case you cannot immediately find sufficient goods and chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts of the same *C.D.*, you are, if thereto specially required by order in writing signed by the said *A.B.* or his registered attorney, but not otherwise, to take the body of the same *C.D.* and him safely keep until the said decree (or order, *as the case may be*,) be satisfied, and of your proceedings herein you are to make return into the registrar's office within thirty days from the date of this writ, and also within thirty days next after any proceeding shall be had on this writ ; and herein fail not as you will answer to the contrary at your peril.

Witness our well-beloved our Governor and Chancellor of Antigua,
the day of in the year of our Lord one thousand eight
hundred and and in the year of our reign.

ORDER 22.—PROCESS GENERALLY.

Rule 1. Abolition of writ of execution to enforce decrees or orders.

No writ of execution shall be issued for the purpose of requiring or compelling obedience to any decree or order, but the person required by any such decree or order to do any act shall, upon being duly served with such decree or order, be held bound to do such act in obedience thereto. (Order 30, Rule 4.)

Rule 2. Writs of attachment with proclamations and rebellion abolished.

No writ of attachment with proclamations nor any writ of rebellion shall be issued for the purpose of compelling obedience to any process, order, or decree of the court. (Order 30, Rule 5.)

ORDER 23.—REVIVOR AND SUPPLEMENT.

Rule 1. Application to discharge order to revive.

Any person under no disability or under the disability of coverture who may be served with an order under the said Act to amend the practice and course of proceeding in this court, section 48, to revive any suit or to carry on the proceedings therein, may apply to the court to discharge such order within twelve days after such service; and any person being under any disability other than coverture who may be so served, may apply to the court to discharge such order within twelve days after the appointment of a guardian or guardians *ad litem* for such person; and until such period of twelve days shall have expired such order shall have no force or effect as against such last-mentioned person. (Order 32, Rule 1.)

Rule 2. Supplemental statement.

Where the plaintiff in any cause which is not in such a state as to allow of an amendment being made in the bill desires to state or put in issue any facts or circumstances which may have occurred after the institution of the suit, he may state the same and put the same in issue by filing in the office of the registrar a statement either written or printed to be annexed to the bill, and such proceedings by way of answer, evidence, and otherwise, shall be had and taken upon the statement so filed as if the same were embodied in a supplemental bill: Provided always, that the court may make any order which it shall think fit for accelerating the proceedings thereunder or proceedings therein in any manner which may appear just and practicable. (Order 32, Rule 2.)

Rule 3. Contents of bills to revive, or supplemental bills.

It shall not be necessary in any bill to revive a suit or in any supplemental bill to set forth any of the statements in the pleadings in the original suit unless the special circumstances of the case may require it. (Order 32, Rule 3.)

Rule 4. Revivor against legal representative of plaintiff.

Where a suit abates by the death of a sole plaintiff, the court, upon motion of any defendant made on notice served on the legal representative of the deceased plaintiff, may order that such legal representative do revive the suit within a limited time, or that the bill be dismissed. (Order 32, Rule 4.)

ORDER 24.—MOTIONS.

1.—Notices of Motion.

Rule 1. Time for service of notices of motion.

Unless the court give special leave to the contrary, there must be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion; and in the computation of such two clear days Sundays and other days on which the offices are closed, shall not be reckoned. (Order 33, Rule 2.)

Rule 2. Time for service of notice of motion for a guardian to defend suit.

There must be at least six clear days between the service of a notice of motion by the plaintiff for the appointment of a guardian, by whom a defendant who is an infant, or a person of weak intellect or unsound mind, may defend the suit, and the day named in the notice for hearing the motion. (Order 33 Rule 3.)

2.—*Motion for Decree under the said Act to amend the Practice and Course of Proceeding in this Court.*

Six weeks notice shall be given by the plaintiff to the defendant of a motion Rule 3. Notice. under the said Act, section 13, for a decree or decretal order. (Order 33, Rule 4.)

The plaintiff shall in such notice state whether he desires the evidence to be Rule 4. Evidence. used on such motion to be taken orally or upon affidavit, and if upon affidavit then, unless the defendant or one of the defendants shall, within seven days after service on him or them of such notice, give notice to the plaintiff or his solicitor that such defendant desires the evidence to be oral, such evidence shall be by affidavit.

The affidavits to be used by the plaintiff in support of such motion shall be Rule 5. Plaintiff's filed within fourteen days after the expiration of such seven days, and a list of affidavits. such affidavits shall also be furnished by the plaintiff to the defendant or his solicitor. (Order 33, Rule 5.)

The defendant within fourteen days after service of notice of filing such Rule 6. Defendant's affidavits shall file his affidavits in answer, and deliver to the plaintiff or his affidavits. solicitor a list thereof. (Order 33, Rule 6.)

Within seven days after the expiration of such fourteen days or other period Rule 7. Plaintiff's for which the time for filing the defendant's affidavits has been enlarged, the affidavits in reply. plaintiff shall file his affidavits in reply, which affidavits shall be confined to matters strictly in reply, and he shall deliver to the defendant or his solicitor a list thereof, and except so far as these affidavits are in reply they shall not be regarded by the court unless upon the hearing of the motion the court shall give leave to the defendant to answer them; and in that case the costs of such Costs, affidavits and of the further affidavits consequent upon them shall be paid by the plaintiff, unless the court shall otherwise direct. (Order 33, Rule 7.)

Any person who has made an affidavit to be used at such hearing may be Rule 8. Any person compelled by Subpœna ad testificandum to attend for cross-examination, and such may by subpœna person may be re-examined at such hearing. required to attend for cross-examination.

No further evidence on either side shall be used upon such motion for a Rule 9. Further evidence. decree or decretal order without leave of the court. (Order 33, Rule 8.)

Every notice of motion for a decree or decretal order shall be set down with Rule 10. Entering of the registrar for hearing, and shall come on to be heard accordingly, unless the notices of motion. court shall otherwise direct. (Order 33, Rule 9.)

3.—*Motions to dismiss Bill.*

Any defendant may upon notice move the court that the bill may be dismissed with costs for want of prosecution, and the court may order accordingly: Rule 11. Time for motion to dismiss for want of prosecution. Article 1.

1. Where the plaintiff, having obtained no order to enlarge the time, does not within four weeks after the answer or the last of the answers required to be put in by such defendant is held or deemed to be sufficient, or after the filing of a traversing note against such defendant, file the replication, or set down the cause to be heard on bill and answer, or set down a motion for a decree or decretal order, or obtain and serve an order for leave to amend the bill; or;

2. Where the plaintiff, having undertaken to reply to a plea filed by such Article 2. defendant to the whole bill, does not file his replication within four weeks after the date of his undertaking; or,

3. Where the plaintiff, having obtained no order to enlarge the time, does not Article 3. set down the cause to be heard, and obtain and serve a subpœna to hear judgment within four weeks after the evidence when taken on affidavit has closed,

or within eight weeks after issue joined when the evidence is intended to be taken orally. (Order 33, Rule 10.)

Rule 12. Order to amend becoming void.

Where the plaintiff obtains an order for leave to amend his bill, and having obtained no order to enlarge the time, does not amend the bill within the time limited by the order to amend, or if no time be so limited, then within fourteen days from the date of such order, the order to amend shall be void and the cause shall as to dismissal stand in the same position as if such order to amend had not been made. (Order 33, Rule 11.)

Rule 13. Time for motion to dismiss for want of prosecution where bill amended after answer and no answer required to amendments.

Any defendant may upon notice move to dismiss the bill, with costs, for want of prosecution, where the plaintiff after answer amends his bill without requiring an answer to the amendments, and having obtained no order to enlarge the time, does not file the replication, or set down the cause to be heard on bill and answer, or set down a motion for a decree or decretal order, within the times following, viz. :

Article (1.)

(1.) Within one week after the expiration of the time within which such defendant might have put in an answer, in cases where the defendant does not desire to answer the amendments.

Article (2.)

(2.) Within fourteen days after the refusal to allow further time in cases where the defendant desiring to answer has not put in his answer within the time allowed for that purpose, and the judge has refused to allow further time.

Article (3.)

(3.) Within fourteen days after the filing of the answer in cases where the defendant has put in an answer to the amendments, unless the plaintiff has within such fourteen days obtained a special order for leave to except to such answer or to re-amend the bill. (Order 33, Rule 12.)

Rule 14. Time for motion to dismiss for want of prosecution where no answer required or put in.

A defendant to a suit commenced by bill, who shall not have been required to answer the bill, and shall not have answered the same, shall be at liberty to apply for an order to dismiss the bill for want of prosecution, at any time after the expiration of three months from the time of his appearance, unless a motion for a decree or a decretal order shall have been set down in the meantime, or the cause shall have been set down to be heard; and the court may upon such application, if it shall think fit, make an order dismissing the bill, or make such other order, or impose such terms as may appear just and reasonable. (Order 33, Rule 13.)

ORDER 25.-- PETITIONS.

Rule 1. Statement as to persons to be served with petition.

At the foot of every petition (not being a petition of course) presented to the Vice-Chancellor, a statement shall be made of the persons, if any, intended to be served therewith, and if no person is intended to be served with such petition, a statement to that effect shall be made at the foot of the petition. (Order 34, Rule 1.)

Rule 2. Time of service.

Unless the court gives special leave to the contrary, there must be at least two clear days between the service of a petition and the day appointed for hearing the petition; and in the computation of such two clear days Sundays and other days on which the offices are closed shall not be reckoned. (Order 34, Rule 2.)

ORDER 26.—PROCEEDINGS BEFORE THE JUDGE IN CHAMBERS AND BEFORE THE MASTER AT HIS OFFICE.

Rule 1. Business to be disposed of in chambers.

1. The business to be disposed of by the Vice-Chancellor in chambers shall, in addition to the matters mentioned or referred to in the said Act to amend the practice and course of proceeding in this court, section 62, comprise applications under "The Trustee Act, 1850," and the statute 15 & 16 Vict. c. 55,

intituled "An Act to extend the Provisions of 'The Trustee Act, 1850,' as extended to this Colony by the Act No. 157, in all cases where any decree or order shall have been made by the court for the sale or conveyance of any lands, messuages, tenements, or hereditaments, corporeal or incorporeal, of any tenure or description, whatever may be the estate or interest therein. (Order 35, Rule 1, Article 4.)

2. The general summons for the purpose of proceedings before the Vice-Chancellor at chambers, whether originating in chambers or not, may be in a form similar to the form set forth in the schedule to this order No. 1, with such variations as the case may require. (Order 35, Rule 2.)

Rule 2. Form of summons by judge.

3. The administration summons under the said Act to amend the practice and course of proceeding in this court, ss. 41 and 43, may be in a form similar to the form set forth in the schedule to this order, or with such variations as the circumstances of the case may require. (Order 35, Rule 3.)

Rule 3. Form of administration summons.

4. Every summons by the master may be in a form similar to the form set forth in schedule to this order No. 3, with such variations as the circumstances of the case may require. (Order 35, Rule 4.)

Rule 4. Form of summons by the master.

5. Summonses shall be prepared by the parties, and a copy of such summons shall be left in the judge's chambers or at the office of the master, as the case may be, by the party obtaining such summons. (Order 35, Rule 5.)

Rule 5. Preparing and leaving of summons.

6. In cases of applications under the Act No. 158, ss. 41 and 43, applications originating in chambers for guardianship and maintenance of infants, and all other applications originating in the judge's chambers, a duplicate of the summons shall be filed in the registrar's office; and in cases where service is required the copies served shall be stamped in the manner provided by the Act No. 158, s. 42. (Order 35, Rule 6.)

Rule 6. Filing summons and stamping copy served.

7. Where proceedings originate in chambers, the original summons shall be served seven clear days before the return thereof; all other summonses shall be served two clear days before the return thereof. (Order 35, Rule 7.)

Rule 7. Time for service of summons.

8. Where proceedings originate in chambers, and where from any cause the summons may not have been served upon any party seven clear days before the return thereof, an endorsement may be made upon the summons, and upon a copy thereof stamped for service appointing a new time for the parties not before served to attend at the chambers of the judge; and the service of the copy so endorsed shall have the same force and effect as the service of an original summons; and where any party has been served before such endorsement, the hearing thereof may upon the return of the summons be adjourned to the new time so appointed. (Order 35, Rule 8.)

Rule 8. Appointment of new time.

9. Where proceedings originate in chambers, the parties served shall before they are heard in chambers enter appearances in the registrar's office, and give notice thereof. (Order 35, Rule 9.)

Rule 9. Appearances.

10. Where any of the parties summoned to attend the judge or master fail to attend, whether upon the return of the summons or at any time appointed for the consideration or further consideration of the matter, the judge or master may proceed *ex parte*, if considering the nature of the case he think it expedient so to do. (Order 35, Rule 10.)

Rule 10. Proceeding *ex parte*.

11. Where the judge or master has proceeded *ex parte*, such proceeding shall not in any manner be reconsidered in the judge's chambers or master's office, unless the judge or master, upon a special application made to him for that purpose by a party who was absent, shall be satisfied that he was not guilty of wilful delay or negligence; and in such case the costs occasioned by his non-attendance shall be in the discretion of the judge or master, who may fix the same at the time and direct them to be paid by the party or his solicitor before

Rule 11. Reconsideration of *ex parte* proceedings.

he shall be permitted to have such proceeding reconsidered, or make such other order as to such costs as to such judge or master may seem meet. (Order 35, Rule 11.)

Rule 12. Exclusion of claimants.

12. Where a decree or order is made, whether in court or in chambers, directing an account of debts, claims, or liabilities, or an inquiry for heirs, next of kin, or other unascertained persons, unless otherwise ordered, all persons who do not come in and prove their claims within the time which may be fixed for that purpose by advertisement shall be excluded from the benefit of the decree or order. (Order 35, Rule 12.)

Rule 13. Sale.

13. Where a decree or order is made, whether in court or in chambers, directing any property to be sold, unless otherwise ordered, the same shall be sold with the approbation of the master to the best purchaser that can be got for the same, to be allowed by the master, and all proper parties shall join in the sale and conveyance as the master shall direct. (Order 35, Rule 13.)

Rule 14. Further attendance.

14. Where matters in respect of which summonses have been issued are not disposed of upon the return of the summons, the parties shall attend from time to time without further summons at such time or times as may be appointed for the consideration or further consideration of the matter. (Order 35, Rule 14.)

Rule 15. Leaving copy of decree or order.

15. In all cases of proceedings before the master under any decree or order, the party prosecuting the same shall leave an office copy of such decree or order at the master's office. (Order 35, Rule 15.)

Rule 16. Summons to proceed with accounts and inquiries. Evidence of service of parties.

16. Upon a copy of the decree or order being left, a summons shall be issued to proceed with the accounts or inquiries directed; and upon the return of such summons the master, if satisfied by proper evidence that all necessary parties have been served with notice of the decree or order, shall thereupon give directions as to the manner in which each of the accounts and inquiries is to be prosecuted, the evidence to be adduced in support thereof, the parties who are to attend on the several accounts and inquiries, and the time within which each proceeding is to be taken; and a day or days may be appointed for the further attendance of the parties, and all such directions may afterwards be varied or added to as may be found necessary. (Order 35, Rule 16.)

Directions.

Rule 17. Settling deed in case parties differ.

17. Where by any decree or order a deed is directed to be settled by the master in case the parties differ about the same, a summons to proceed shall be issued, and upon the return of such summons the party entitled to prepare such deed shall be directed to deliver a copy thereof, within such time as the master shall think fit, to the party entitled to object thereto; and the party so entitled to object shall be directed to deliver to the other party a statement in writing of his objections, if any, within eight days after the delivery of such copy, and the proceeding shall be adjourned until after the expiration of the said period of eight days. (Order 35, Rule 17.)

Rule 18. Dispensation with service of notice of decree or order, or substitution of something else.

18. Where, upon the hearing of the summons to proceed, it appears to the master that by reason of absence or for any other sufficient cause the service of notice of the decree or order upon any party cannot be made or ought to be dispensed with, the master may with the consent of the judge dispense with such service, or order substituted service, or notice by advertisement or otherwise in lieu of such service. (Order 35, Rule 18.)

Rule 19. Further accounts or inquiries.

19. Where, in the prosecution of the decree or order, it appears to the master that it would be expedient that further accounts should be taken or further inquiries made, he may with the consent of the judge order the same to be taken or made accordingly. (Order 35, Rule 19.)

Rule 20. Distinct solicitor required.

20. Whenever in any proceeding before the judge in chambers or before the master the same solicitor is employed for two or more parties, the judge or master may at his discretion require that any of the said parties shall be represented

before him by a distinct solicitor, and adjourn such proceedings until such party is so represented. (Order 35, Rule 21.)

21. Every decree or order directing accounts or inquiries to be taken or made, shall be brought into the master's office by the party entitled to prosecute the same within ten days after the same shall have been passed and entered; and in default thereof any other party to the cause or matter shall be at liberty to bring in the same, and such party shall have the prosecution of such decree or order, unless the master shall otherwise direct. (Order 35, Rule 22.)

Rule 21. Delay in bringing in decree or order directing accounts or inquiries.

22. The course of proceeding in chambers or before the master shall ordinarily be the same as the course of proceeding in court on motions; no states of facts, charges, or discharges shall be brought in; but when directed, copies, abstracts, or extracts of or from accounts, deeds, or other documents, and pedigrees and concise statements, shall be supplied for the use of the judge or master, and where so directed copies shall be handed over to the other parties; but no copies shall be made of deeds or documents where the originals can be brought in, unless the judge or master shall otherwise direct. (Order 35, Rule 26.)

Rule 22. Proceeding to be the same as upon motions.

23. All affidavits which have been previously made and read in court upon any proceeding in a cause or matter may be used before the judge in chambers or before the master. (Order 35, Rule 28.)

Rule 23. Affidavits used in court.

24. Where a subpoena is required for the attendance of a witness for the purpose of proceedings in chambers or before the master, such subpoena shall be issued from the registrar's office upon a note from the judge or master. (Order 35, Rule 29.)

Rule 24. Subpoena for attendance of witness.

25. The evidence on any proceeding before the judge in chambers or before the master shall be taken by affidavit or orally as the judge or master shall direct.

Rule 25. Evidence.

26. All orders made in chambers shall be drawn up and entered in the same manner as orders made in open court. (Order 35, Rule 32.)

Rule 26. Entering of orders made in chambers.

27. Where any account is directed to be taken the accounting party, unless the judge or master shall otherwise direct, shall make out his account and verify the same by affidavit; the items on each side of the account shall be numbered consecutively, and the account shall be referred to by the affidavit as an exhibit, and be left in the judge's chambers or with the master. (Order 35, Rule 33.)

Rule 27. Verification of accounts. Numbering items and referring to and leaving account.

28. Any party seeking to charge any accounting party beyond what he has by his account admitted to have received, shall give notice thereof to the accounting party, stating, so far as he is able, the amount sought to be charged and the particulars thereof in a short and succinct manner. (Order 35, Rule 34.)

Rule 28. Surcharge.

29. Where an advertisement is required for the purpose of any proceeding before the master, a peremptory and only one shall be issued, unless for any special reason it may be thought necessary to issue a second advertisement or further advertisements; and any advertisement may be repeated as many times and in such papers as may be directed. (Order 35, Rule 35.)

Rule 29. Number of advertisements.

30. The advertisements shall be prepared by the party prosecuting the decree or order and submitted to the master for approval, and when approved shall be signed by him. (Order 35, Rule 36.)

Rule 30. By whom prepared and signed.

31. Advertisements for creditors or other claimants shall fix a time for the creditors or claimants to come in and prove their claims, and shall appoint a day for the hearing and adjudicating thereon, and may be in a form similar to the form set forth in the schedule to this order, No. 4, with such variations as the circumstances of the case may require. (Order 35, Rule 37.)

Rule 31. Appointment of day for hearing claimants. Form of advertisement.

32. Claimants coming in pursuant to advertisement shall lodge their claims with the affidavits in support thereof for the day appointed for hearing by

Rule 32. Claims to be brought in with affidavit.

Notice thereof.

the advertisement, and shall give notice thereof to the solicitor in the cause within the time specified in the advertisement for bringing in claims. (Order 35, Rule 38.)

Rule 33. Adjournment.
Closing further evidence.
Mode of adducing same.

33. Where on the day appointed for hearing the claims any of them remain undisposed of, an adjournment day for hearing such claims shall be fixed; and where further evidence is to be adduced, a time may be named within which the evidence on both sides is to be closed, and directions may be given as to the mode in which such evidence is to be adduced. (Order 35, Rule 40.)

Rule 34. Claim and affidavit brought in before adjournment day.

34. Any claimant who has not before entered his claim may be heard at such adjournment day, provided he has brought in his claim and affidavit four clear days prior to such day and no certificate of debts or claims has been made in the meantime. (Order 35, Rule 41.)

Rule 35. Debts not exceeding 5*l*.

35. Creditors claiming debts not exceeding five pounds need not attend on the day of hearing unless required to do so by notice from some party. (Order 35, Rule 42.)

Rule 36. Exclusion of claims.

36. After the time fixed by the advertisement no claims shall be received (except as before provided in case of an adjournment), unless the court or judge at chambers shall think fit to give special leave, and then upon such terms and conditions as to costs and otherwise as the court or judge shall think fit. (Order 36, Rule 43.)

Rule 37. What the certificate is to state in cases of account.

37. Where an account is directed, the certificate shall state the result of such account, and not set the same out by way of schedule, but shall refer to the account verified by the affidavit sworn, and shall specify by the numbers attached to the items in the account which, if any, of such items have been disallowed or varied, and shall state what additions, if any, have been made by way of surcharge; and where the account verified by the affidavit has been so altered that it is necessary to have a fair transcript of the account as altered, such transcript may be required to be made by the party prosecuting the decree or order, and shall then be referred to by the certificate; the accounts, and affidavits, and the transcript, if any, referred to by certificate shall be filed therewith. (Order 35, Rule 46.)

Rule 38. Certificate only to refer to order, documents, or evidence.

38. The certificates to be made by the master shall not, except the special circumstances of the case shall render it necessary, set out the decree or order, or any document, or evidence, or reasons, but shall refer to the decree or order, documents, and evidence, or particular paragraphs thereof, so that it may appear upon what the results stated in any such certificate is founded. (Order 35, Rule 47.)

Rule 39. Form of certificate.

39. The certificate of the master may be in a form similar to the form set forth in the schedule to this order, No. 5, with such variations as the circumstances of the case may require; and when prepared and settled it shall be transcribed by the solicitor prosecuting the proceedings in such form and within such time as the master shall require, and shall then be signed by the master at an adjournment to be made for that purpose; but where from the nature of the case the certificate can be drawn and copied in the master's office whilst the parties are present before the master, the same shall be then completed and signed by him without an adjournment. (Order 35, Rule 48.)

Rule 40. Time for applying to discharge or vary any certificate signed by master.

40. The time within which an application may be made by summons or motion to discharge or vary any certificate which has been signed by the master shall be eight clear days after the filing thereof. (Order 35, Rule 52.)

Rule 41. Filing certificates, affidavits, and accounts.

41. The certificate when signed by the master with the affidavits and accounts, if any, to be filed therewith, shall be filed by the master in the office of the registrar. (Order 35, Rule 55.)

42. A register shall be kept of all proceedings in the judge's chambers or master's office, with proper dates, so that all the proceedings in each cause or matter may appear consecutively and in chronological order, with a short statement of the questions or points decided or ruled at every hearing. (Order 35, Rule 57.)

43. If any party wishes to complain of any matter introduced into any Rule 43. Scandal. statement, affidavit, or other proceeding before the judge in chambers or master, on the ground that it is scandalous, he shall be at liberty to take out a summons for the judge or master to examine such a matter, and the judge or master may cause any such matter which he shall deem to be scandalous to be expunged. (Order 35, Rule 60.)

44. The power of the court and of the judge in chambers or master to enlarge or abridge the time for doing any act or taking any proceeding, and to give any special direction as to the course of proceeding in any cause or matter, shall not be affected by this order. (Order 35, Rule 62.)

Rule 44. Power of court or judge as to time and course of proceeding.

SCHEDULE referred to in Order 26.

SUMMONSES.

No. 1.—FORM of GENERAL SUMMONS (referred to in the 2nd Rule of Order 26).

In Chancery.

In the matter of		an infant,		
		or		
Between <i>A.B.</i>	-	-	-	- Plaintiff,
		and		
<i>C.D.</i>	-	-	-	- Defendant.

Let all the parties concerned attend at my chambers at the Court House in the city of Saint John on the day of at of the clock in the noon on the hearing of an application on the part of (here state on whose behalf the application is made, and the precise object of the application).

Dated this day of 186 . W.S., V.-C.

This summons was taken out by E.F., solicitor for
To

The following note to be added to the original summons where proceedings originate in chambers, and when the time is altered by endorsement, the endorsement to be referred to as below.

NOTE.—If you do not attend, either in person or by your solicitor, at the time and place above mentioned (or at the place above mentioned at the time mentioned in the endorsement hereon), such order will be made and proceedings taken as the judge may think just and expedient.

No. 2.—FORM of ADMINISTRATION SUMMONS (referred to in the 3rd Rule of Order 26).

In Chancery.

In the matter of the estate of deceased, late of the parish of
Between and Plaintiff,
 Defendant.

Upon the application of _____ of _____ who claims to be a creditor under the estate of the above-named _____, let _____, the executor of the

said attend at my chambers in the city of Saint John, on the
 day of at of the clock in the noon, and show cause,
 if he can, why an order for the administration of the personal (or real and personal)
 estate of the said by the Court of Chancery should not be granted.
 Dated the day of 186 .

W.S., V.-C.

This summons was taken out by A.B. solicitor for

The following note to be added to the original summons, and when the time is altered by endorsement the endorsement to be referred to as below.

NOTE.—If you do not attend, either in person or by your solicitor, at the time and place above mentioned (or at the place above mentioned at the time mentioned in the endorsement hereon) such order will be made and proceedings taken as the judge may think just and expedient.

No. 3.—FORM OF SUMMONS by the MASTER (referred to in the 4th Rule of Order 26).

In Chancery.

In the matter of the estate of late of deceased,
 or
 Between and Plaintiff,
 Defendant.

Let all parties concerned, or let A.B. (as the case may be), attend at my chambers in the city of Saint John, on the day of at of the clock in the noon (here state the precise object of the summons).
 Dated this day of 186 .

C.D., Master.

No. 4.—FORM OF ADVERTISEMENT (referred to in the 31st Rule of Order No. 26).

Pursuant to a decree (or order) of the Court of Chancery of Antigua, made in (the matter of the estate of and in) a cause against the creditors of (or the persons claiming debts or liabilities affecting the estate of, or the persons claiming to be next of kin to, or the heir of, as the case may be), late of who died in or about the month of are by their solicitors, on or before the day of to come in and prove their debts (or claims) at the chambers of the master of the said court in the city of Saint John in Antigua, or in default thereof they will be peremptorily excluded from the benefit of the said decree (or order). (Monday) the day of at o'clock in the noon at the said chambers, is appointed for hearing and adjudicating upon the claims.

Dated this day of 18 .

A.B., Master.

No. 5.—FORM OF CERTIFICATE OF MASTER (referred to in the 39th Rule of Order 26).

In the matter of , (or between) (state title).

In pursuance of the directions given to me by the Vice-Chancellor, I hereby certify that the result of the accounts and inquiries which have been taken and made, in pursuance of the decree (or order) in this cause, dated the day of is as follows :

1. The defendants the executors of the testator, have received personal estate to the amount of £ , and they have paid, or are entitled to be allowed on account thereof, sums to the amount of £ , leaving a balance due from (or to) them of £ on that account.

The particulars of the above receipts and payments appear in the account marked verified by the affidavit of , sworn on the day of , and which account is to be filed with this certificate ; except that in addition to the sums appearing on such account to have been received, the said defendants are charged

with the following sums (*state the same here or in a schedule*), and except that I have disallowed the items of disbursement in the said account numbered and
(*Or, in cases where a transcript has been made.*)

The defendants have brought in an account verified by the affidavit of sworn on the day of , and which account is marked , and is to be filed with this certificate. The account has been altered, and the account marked , and which is also to be filed with this certificate, is a transcript of the account as altered and passed.

2. The debts of the testator which have been allowed are set forth in the schedule hereto, and with the interest thereon and costs mentioned in the schedule, are due to the persons therein named, and amount altogether to £ .

3. The funeral expenses of the testator amount to the sum of £ , which I have allowed the said executors in the said account of personal estate.

4. The legacies given by the testator are set forth in the schedule hereto, and with the interest therein mentioned remain due to the persons therein named, and amount altogether to £ .

5. The outstanding personal estate of the testator consists of the particulars set forth in the schedule hereto.

6. The real estate to which the testator was entitled consists of the particulars set forth in the schedule hereto.

7. The defendants have received rents and profits of the testator's real estate, &c. (*in a form similar to that provided with respect to the personal estate*).

8. The incumbrances affecting the said testator's real estate are specified in the schedule hereto.

9. The real estates of the testator directed to be sold have been sold, and the purchase moneys, amounting altogether to £ , have been paid into court.

N.B.—The above numbers are to correspond with the numbers in the decree.

After each statement the evidence produced is to be stated as follows:—

The evidence produced on this account (*or inquiry*) consists of the probate of the testator's will, the affidavit of A.B. sworn , and paragraph No. of the affidavit of C.D. sworn.

ORDER 27.—COPIES.

1.—*Copies to be made by the Registrar.*

Office copies of answers, exceptions, pleas, and demurrers, office copies of Rule 1. depositions of witnesses and examinations of parties, and office copies of affidavits filed.

2.—*Copies to be made by Parties or Solicitors.*

Copies of bills and interrogatories and other proceedings.

Rule 2.

ORDER 28.—TIME.

1.—*Time generally.*

A defendant may demur alone to any bill within twelve days after his appearance thereto, but not afterwards. (Order 37, Rule 3.)

Rule 1. Time for demurring alone.

A defendant required to answer a bill, whether original or amended, must put in his plea, answer, or demurrer thereto, not demurring alone, within 28 days from the delivery to him or his solicitor of a copy of the interrogatories which he is required to answer. (Order 37, Rule 4.)

Rule 2. Time for putting in plea, answer, or demurrer where defendant required to answer.

A defendant not required to answer a bill may without any leave of the court put in a plea, answer, or demurrer, not demurring alone, within 14 days

Rule 3. Time where defendant not so required.

Rule 4. Time for answer to amendments and exceptions together.

after the expiration of the time within which he might have been served with interrogatories for his examination in answer to such bill. (Order 37, Rule 5.)

Where a defendant is ordered to answer amendments and exceptions together, he must put in his further answer, and his answer to the amendments of the bill, within 14 days after he shall have been served with interrogatories for his examination in answer to the amended bill; where he does not, and procures no enlargement of the time allowed, he shall be subject to the following liabilities:

Article (1.)

(1.) An attachment may be issued against him.

Article (2.)

(2.) He may be committed to prison, and brought to the bar of the court.

Article (3.)

(3.) The plaintiff may file a traversing note or proceed to take the bill *pro confesso* against him. (Order 37, Rule 6.)

Rule 5. Time for answer to amendments where no answer required.

Where the plaintiff amends his bill without requiring an answer to the amendments, a defendant who has answered or has not been required to answer the original bill, but desires to answer the amended bill, must put in his answer thereto within 14 days after the expiration of the time within which, if an answer had been required, he might have been served with interrogatories for his examination in answer to such amended bill, or within such further time as the judge may allow. (Order 37, Rule 7.)

Rule 6. Further time to answer.

Where a defendant, using due diligence, is unable to put in his answer to a bill within the times allowed by these orders, the judge, on sufficient cause being shown, may as often as he shall deem right allow to such defendant such further time and on such terms (if any) as to the judge shall seem just. (Order 37, Rule 8.)

2.—Computation of Time.

Rule 7. How to compute limited time.

Where any limited time from or after any date or event is appointed or allowed for doing any act or taking any proceeding, and such time is not limited by hours, the computation of such limited time shall not include the day of such date or of the happening of such event, but shall commence at the beginning of the next following day, and the act or proceeding shall be done or taken at the latest on the last day of such limited time according to such computation. (Order 37, Rule 9.)

Rule 8. Months.

Where the time for doing any act or taking any proceeding is limited by months not expressed to be calendar months, such time shall be computed by lunar months of 28 days each. (Order 37, Rule 10.)

Rule 9. Exclusion of Sundays and close days.

Where any limited time less than six days from and after any date or event is appointed or allowed for doing any act or taking any proceeding, Sundays and other days on which the offices are closed shall not be reckoned in the computation of such limited time. (Order 37, Rule 11.)

Rule 10. Time expiring on Sunday or close day.

Where the time for doing any act or taking any proceeding expires on a Sunday or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next open. (Order 37, Rule 12.)

Rule 11. Where time for giving security for costs not to be reckoned.

The day on which an order that the plaintiff do give security for costs is served, and the time thenceforward until and including the day on which such security is given, shall not be reckoned in the computation of time allowed a defendant to plead, answer, or demur, or otherwise make his defence to the suit. (Order 37, Rule 14.)

3.—*Power of the Court as to Time.*

The power of the court or the judge at chambers to enlarge or abridge the time for doing any act or taking any proceeding upon such, if any, terms as the justice of the case requires shall not be affected by these orders. (Order 37, Rule 17.)

Rule 12. Power to enlarge or abridge time.

Where the court or judge at chambers is authorized to appoint the time for any proceeding, or to enlarge the time allowed for any proceeding by general order, the court or the judge at chambers may further enlarge any time so appointed or enlarged, and on such, if any, terms as shall be deemed just, provided the application for such enlargement is made before the expiration of the time previously allowed, and such enlargement appears to be required for the purposes of justice, and not with a view to create unnecessary delay. (Order 37, Rule 18.)

Rule 13. Further enlargement of time.

ORDER 29.—COSTS, CHARGES, AND EXPENSES.

Where the court appoints one of the solicitors of the court to be guardian *ad litem* of an infant or person of unsound mind, the court may direct that the costs to be incurred in the performance of the duties of such office shall be borne and paid either by the parties or some one or more of the parties to the suit in which such appointment is made, or out of any fund in court in which such infant or person of unsound mind may be interested, and may give directions for the repayment or allowance of such costs as the justice and circumstances of the case may require. (Order 40, Rule 4.)

Rule 1. Solicitor who is guardian *ad litem*.

Where costs are ordered to be paid to a party suing or defending *in forma pauperis*, such costs shall be taxed as *diues* costs, unless the court shall otherwise direct. (Order 40, Rule 5.)

Rule 2. Party suing or defending *in forma pauperis*.

One hundred pounds shall be the penal sum in the bond to be given as a security to answer costs by any plaintiff who is out of the jurisdiction of the court. (Order 40, Rule 6.)

Rule 3. Security for costs.

Where a defendant submits to exceptions for insufficiency which have not been set down for hearing, he shall pay to the plaintiff twenty shillings costs; and where a plaintiff obtains a decree with costs, the costs occasioned to the plaintiff by the insufficiency of the answer of any defendant who shall have submitted to exceptions for insufficiency shall be deemed to be part of the plaintiff's costs in the cause, such sum being deducted therefrom as shall have been paid by the defendant upon the exceptions to the said answer being submitted to. (Order 40, Rule 13.)

Rule 4. Costs of insufficiency where exceptions submitted to.

The costs of a bill of discovery filed by any defendant to a bill for relief shall be costs in the original cause, unless the court shall otherwise direct. (Order 40, Rule 14.)

Rule 5. Bill of discovery filed by defendant.

The plaintiff, having duly caused an appearance to be entered for any defendant, is entitled as against the same defendant to the costs of and incident to entering such appearance, whatever may be the event of the suit, and such costs shall be added to any costs which the plaintiff may be entitled to receive from such defendant, or be set off against any costs which he may be ordered to pay to such defendant, but payment thereof shall not be otherwise enforced without leave of the court. (Order 40, Rule 15.)

Rule 6. Appearance entered by plaintiff.

Where no account, payment, conveyance, or other relief is sought against a party, but the plaintiff requires such party to appear to or answer the bill, the costs occasioned by the plaintiff having required such party so to appear to or answer the bill, and the costs of all proceedings consequent thereon, shall be paid by the plaintiff, unless the court shall otherwise direct. (Order 40, Rule 16.)

Rule 7. Costs of requiring formal party to appear and answer

Rule 8. Cause struck out for defect on part of plaintiff and again set down.

Where a cause which stands for hearing is called on to be heard but cannot be decided by reason of a want of parties or other defect on the part of plaintiff, and is therefore struck out of the paper, and the same cause is again set down, the defendant shall be allowed the taxed costs occasioned by the first setting down, although he does not obtain the costs of the suit. (Order 40, Rule 21.)

Rule 9. Costs of the day.

Where a cause being on the paper for hearing is ordered to be adjourned upon payment of the costs of the day, the party to pay the same shall pay the sum of five pounds, unless the court shall otherwise direct. (Order 40, Rule 22.)

Rule 10. Abandoned motion.

Where a party gives a notice of motion and does not move accordingly, he shall pay to the other side costs, to be taxed, unless the court itself shall direct, upon production of the notice of motion, what sum shall be paid. (Order 40, Rule 23.)

Rule 11. Establishing a debt.

A creditor who has come in and established his debt in the master's office under a decree or order in a suit shall be entitled to the costs of so establishing his debt; and the sum to be allowed for such costs shall be fixed by the master, and the amount of such costs or sum allowed in respect thereof shall be added to the debts so established. (Order 40, Rule 24.)

Rule 12. Parties attending chambers or in master's office without leave.

Parties attending any proceeding in chambers or before the master without having obtained the previous leave of the judge or master to attend the same shall not be allowed any costs of such attendance, unless by special order of the court or judge or master. (Order 40, Rule 28.)

Rule 13. Costs occasioned by absence of party when the judge or master does not proceed *ex parte*.

Where a proceeding in chambers or before the master fails by reason of the non-attendance of any party, and the judge or master does not think it expedient to proceed *ex parte*, the judge or master may order such an amount of costs (if any) as he shall think reasonable to be paid by the party attending, by the absent party, or by his solicitor personally. (Order 40, Rule 31.)

Rule 14. Expenses to be allowed.

Where costs are to be taxed as between party and party, the master may allow to the party entitled to receive such costs all such just and reasonable expenses as appear to have been properly incurred in the service and execution of writs and the service of orders, notices, petitions, warrants, and summonses. (Order 40, Rule 32.)

Rule 15. Objection to an allowance or disallowance by the master.

Any party who may be dissatisfied with the allowance or disallowance by the master, in any bill of costs taxed by him, of the whole or any part of any item or items, may at any time before the certificate is signed deliver to the other party interested therein, and carry in before the master, an objection in writing to such allowance or disallowance, specifying therein by a list in a short and concise form the items or item or parts or part thereof objected to, and may thereupon apply to the master for a warrant to review his taxation in respect of the same. (Order 40, Rule 33.)

Rule 16. Review of taxation upon application for a warrant to review or upon the return thereof.

Upon the application for such warrant, or upon the return thereof, the master shall reconsider and review his taxation upon such objection, and he may, if he shall think fit, receive further evidence in respect thereof, and, if so required by either party, he shall state either in his certificate of taxation or by reference to such objection the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto. (Order 40, Rule 34.)

Rule 17. Motion or petition for order to review taxation.

Any party who may be dissatisfied with the certificate of the master as to any item or part of an item which may have been objected to as aforesaid, may apply to the court by motion or petition for an order to review the taxation as to the same, and the court may thereupon make such order as to the court shall seem just; but the certificate of the master shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid. (Order 40, Rule 35.)

Such motions and petitions shall be heard and determined upon the evidence which shall have been brought in before the master, and no further evidence shall be received upon the hearing thereof, unless the court shall otherwise direct. (Order 40, Rule 36.)

Rule 18. Evidence thereon.

Upon interlocutory applications, where the court deems it proper to award costs to either party, the court may by the order direct payment of a sum in gross in lieu of taxed costs, and direct by and to whom such sum in gross shall be paid. (Order 40, Rule 37.)

Rule 19. Gross sum in lieu of taxed costs.

The application to be made under the Act No. 158, s. 15, for the costs of any impertinent matter introduced into any bill, answer, or other proceeding, shall be made at the time when the court disposes of the costs of the cause or matter, and not at any other time. (Order 40, Rule 11.)

Rule 20. Time for applying for costs of impertinent matter.

Where a bill or petition is dismissed with costs, or a motion is refused with costs, or any costs are by any general or special order ordered or decreed to be paid, the master may tax such costs without any order referring the same for taxation, unless the court upon the application of the party alleging himself to be aggrieved prohibits the taxation of such costs; and the costs to be certified by the master shall be recoverable by subpoena. (Order 40, Rule 38.)

Rule 21. Where no order for taxation necessary.

Recovery of costs.

Where it is directed that costs shall be taxed in case the parties differ about the same, the party claiming the costs shall bring the bill of costs into the master's office, and give notice of his having so done to the other party; and at any time within eight days after such notice such other party shall have liberty to inspect the same without fee, if he thinks fit, and at or before the expiration of the eight days, or such further time as the master shall in his discretion allow, such other party shall either agree to pay the costs or signify his dissent therefrom, and shall thereupon be at liberty to tender a sum of money for the costs; but where he makes no such tender, or where the party claiming the costs refuses to accept the sum so tendered, the master shall proceed to tax the costs, and where the taxed costs shall not exceed the sum tendered the costs of the taxation shall be borne by the party claiming the costs. (Order 40, Rule 39.)

Rule 22. Taxation of costs in case parties differ about the same.

Where any costs are by any decree or order directed to be taxed and to be paid out of any money in court, the master in his certificate of taxation shall state the total amount of all such costs as taxed, without any direction for that purpose in such decree or order. (Order 40, Rule 40.)

Rule 23. Stating amount of taxed costs.

ORDER 30.—DOCKET OF FEES TO BE ALLOWED IN TAXED COSTS.

CHANCELLOR'S FEES.

	£	s.	d.
Every seal to any writ mentioned in Rule 3 of preliminary order,			
and to original summonses in chambers	-	-	0 10 0

FEES OF ADVISING COUNSEL UNDER ACT NO. 158, s. 52.

According to circumstances	-	-	-	£2	2	0	to	5	5	0
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MASTER'S FEES.

For answer sworn to before the master and lodging the same with registrar	-	-	-	-	-	0	6	8
For each warrant or summons (but not more than one warrant or summons is to be allowed)	-	-	-	-	-	0	3	0
For attendance on the settlement of accounts and other business, per hour	-	-	-	-	-	0	10	0

	£	s.	d.
For every certificate or report - - - - -	1	1	0
For every copy of any document, deposition, or writing in his office, per folio - - - - -	0	0	9
For every affidavit where the master attends out of office - - - - -	0	5	0
For administering oath on every affidavit at his office - - - - -	0	2	0
For settling and approving any conveyance or assignment - - - - -	1	1	0
For every bond or other security taken by the master - - - - -	0	7	6
For examining and approving security - - - - -	0	10	0
For oath to every witness examined before the master - - - - -	0	2	0
For every exhibit signed by the master produced to any witness to prove any matter of account or other thing - - - - -	0	2	0
For every caption of any recognizance - - - - -	0	2	6
For every oral deposition and reducing same to writing, or per folio 1s. - - - - -	0	10	0
For each bill of costs taxed by the master under the sum of 200 <i>l.</i> - - - - -	0	15	0
Ditto. 200 <i>l.</i> and upwards - - - - -	1	1	0
For attending and selling any property, and receiving and paying the proceeds thereof, per centum - - - - -	2	10	0
For executing deed or bill of sale - - - - -	0	10	0
Filing interrogatories to examine any witness, or filing any other paper - - - - -	0	1	0
Perusing, settling, and approving interrogatories for witnesses to prove accounts before the master - - - - -	0	10	0
For taking the deposition of each person examined on interroga- tories, or per folio 1s. - - - - -	0	10	0
For each deed or writing shown to deponent at his examination - - - - -	0	2	0
For copy of the depositions of each person examined to interroga- ries or orally, per folio - - - - -	0	0	9
Attendance in court in any contested matter where a reference is made to the master - - - - -	0	10	0
Perusing, settling, approving, and signing advertisement - - - - -	0	10	0

FEES OF REGISTRAR.

For making every office copy, per folio - - - - -	0	0	9
Filing every bill or information - - - - -	0	10	0
Entering appearance for each defendant - - - - -	0	2	6
Every certificate - - - - -	0	4	0
Comparing and stamping every copy, bill, summons, or interroga- ries to be served - - - - -	0	5	0
Every subpoena or attachment - - - - -	0	5	0
Every writ of injunction or execution - - - - -	0	10	0
Filing every answer, caveat, affidavit, or other writing, including exhibits - - - - -	0	2	6
Every search - - - - -	0	1	0
Every attendance in court or at chambers, when required, and minuting proceedings - - - - -	0	10	0
Every order on petition or motion of course - - - - -	0	2	6
Taking down depositions in court, or at chambers, per folio - - - - -	0	1	0
Receiving or paying over any money by order of the court, per centum - - - - -	1	0	0
Passing and entering any final decree or order - - - - -	0	10	0
Ditto any other order not being an order of course - - - - -	0	5	0

	£	s.	d.
Examining and signing enrolment of decrees and orders - - -	1	0	0
Resealing subpoena - - - - -	0	1	0
Filing certificate of master with accounts and affidavits therein referred to - - - - -	0	4	0

COUNSEL AND SOLICITORS.

Retainer in suits commenced by bill when property to which suit relates is under the value of 200 <i>l</i> . - - - - -	2	2	0
Ditto above 200 <i>l</i> . and under 300 <i>l</i> . - - - - -	3	3	0
„ above 300 <i>l</i> . - - - - -	5	5	0

(When several plaintiffs or defendants are in the same interest only one retainer is to be allowed.)

INSTRUCTIONS.

For original summons in chambers, answers, demurrers, pleas, and exceptions - - - - -	0	13	4
For bills - - - - -	1	1	0
For amended or supplemental bill - - - - -	0	10	0
For special petition, special affidavit, or other proceeding - - -	0	6	8

THE PREPARATION OF PLEADINGS AND OTHER DOCUMENTS.

For drawing bills, answers, pleas, demurrers, exceptions, interrogatories, petitions, and affidavits, per folio - - - - -	0	1	6
For drawing statements and other documents for the judge's or master's office when required, per folio - - - - -	0	1	0
For drawing advertisement to be signed by the master, including attendance thereon - - - - -	0	10	0
For drawing caveat, notice of motion, or other documents, 6 <i>s</i> . 8 <i>d</i> ., or per folio - - - - -	0	1	0
For preparing and filing replication - - - - -	0	10	0
For amending each copy bill - - - - -	0	6	8
For preparing an original summons for the purpose of proceedings originating in chambers, when value is under 200 <i>l</i> . - - - - -	0	13	4
Ditto above that value - - - - -	1	1	0
For endorsing original summons when required by general orders -	0	6	8
For preparing every other summons - - - - -	0	6	8
For drawing bill of costs - - - - -	0	10	0

PERUSALS.

For perusing bill - - - - -	1	1	0
For perusing amended bill, answer, or examination, or copy order to revive - - - - -	0	13	4
For perusing special affidavit or other document - - - - -	0	6	8
Or per folio - - - - -	0	0	6

(The fees for perusal are not to apply where the same counsel and solicitor acts for both parties.)

COPIES.

For each copy of a summons, notice of motion, order, or certificate to leave in chambers, or serve - - - - -	0	2	0
Or per folio - - - - -	0	0	6

H H

	£	s.	d.
For copies of all other documents, per folio	-	-	0 0 6
(When printed documents are used, the costs to be allowed shall be one shilling per folio in type and the cost of paper, and the charge per folio for every printed copy served shall be fourpence.)			

ATTENDANCE.

For attending judge in chambers or master's summons	-	-	0 6 8
Or according to circumstances, not to exceed per diem	-	-	2 2 0
For attending at registrar's office, and for every other attendance necessary to the suit	-	-	0 6 8
For attendance on hearing of petition or motion in court, from 1 guinea to 3 guineas.	-	-	-
For attendance on hearing of cause or on further directions	£1	1 0	to 5 5 0
(Except when the proceedings are voluminous, difficult, or important, when the master shall exercise his discretion.)			

WRITS.

For preparing every writ of subpoena, writ of execution, or other writ, except injunction	-	-	-	0 6 8
For special injunction	-	-	-	0 15 0
For enrolling decree or order when value is under 200 <i>l.</i>	-	-	-	0 10 0
Ditto above that value	-	-	-	1 0 0

NOTICES AND SERVICES.

For service of every notice, exclusive of copy in the city	-	-	0 2 6
Ditto in the country, exclusive of horse-hire	-	-	0 5 0
For service of summons, petition, or order, exclusive of copy	-	-	0 2 6

SIGNING.

For signing bill, demurrer, plea, answer, or exception	-	-	1 1 0
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ORDER 31.—MISCELLANEOUS POINTS.

1.—Contempt.

Rule 1. Privilege from arrest.

Officers and attendants upon the court, suitors, and witnesses, are to have privilege *eundo, redeundo, et morando*, for their necessary attendance, but not otherwise; and where any of them are arrested at such times of necessary attendance, it is a contempt of court. (Order 42, Rule 1.)

Rule 2. Improper conduct.

Anyone who uses violence or abusive language to a person serving the process or orders of the court, or uses scandalous or contemptuous words against the court or the process thereof, shall be liable to be committed upon motion on notice to the person so offending. (Order 42, Rule 2.)

2.—Election.

Rule 3. Where compelled by a defendant whose answer is not excepted to.

A defendant, whose answer is not excepted to or set down for hearing on former exceptions, alleging that the plaintiff is prosecuting him in this court and also at law for the same matter, may, upon the expiration of eight days after his answer or further answer is filed, obtain as of course, on motion or petition, the usual order for the plaintiff to make his election in which court he will proceed. (Order 42, Rule 5.)

A defendant, whose answer is excepted to, alleging that the plaintiff is prosecuting him in this court and also at law for the same matter, may, by notice in writing, require the plaintiff to set down the exceptions within four days from the service of the notice; and if the plaintiff does not set down such exceptions within such four days, or if they are not allowed, such defendant is entitled as of course, on motion or petition, to obtain the usual order for the plaintiff to make his election in which court he will proceed. (Order 42, Rule 6.)

Rule 4. Where compelled by a defendant whose answer is excepted to.

A defendant, from whom an answer is not required, alleging that the plaintiff is prosecuting him in this court and also at law for the same matter, may, upon the expiration of the time within which he might have been served with interrogatories for his examination in answer to such bill, obtain as of course, on motion or petition, the usual order for the plaintiff to make his election in which court he will proceed. (Order 42, Rule 7.)

Rule 5. Where compelled by a defendant from whom an answer is not required.

In cases referred to in the last three preceding rules the plaintiff may move to discharge such order on the merits confessed in the answer, or, if necessary, appearing by affidavit. (Order 42, Rule 8.)

Rule 6. Moving to discharge order to elect.

3.—Interest.

Where a decree or order is made directing an account of the debts of a deceased person, unless otherwise ordered, interest shall be computed on such debts, as to such of them as carry interest, after the rate they respectively carry, and as to all others, after the rate of five *per cent. per annum*, from the date of the decree or order. (Order 42, Rule 9.)

Rule 7. Computation of interest on debts.

A creditor, whose debt does not carry interest, who comes in and establishes the same before the master, under a decree or order of the court, or of the judge in chambers, shall be entitled to interest upon his debt, at the rate of five *per cent. per annum* from the date of the decree or order, out of any assets which may remain after satisfying the costs of the suit, the debts established, and the interest of such debts as by law carry interest. (Order 42, Rule 10.)

Rule 8. Payment of interest on debts not carrying interest.

Where any decree or order is made directing an account of legacies, interest shall be computed on such legacies, after the rate of five *per cent. per annum*, from the end of one year after the testator's death, unless otherwise ordered, or unless any other time of payment or rate of interest is directed by the will, and in that case according to the will. (Order 42, Rule 11.)

Rule 9. Interest on legacies.

4.—Recognizances.

No recognizance acknowledged in this court, of what nature or kind soever, shall be enrolled therein after six months from the acknowledgment thereof, except under special circumstances, and by an order made by the court upon motion for the enrolment thereof after that time. (Order 42, Rule 12.)

Rule 10. Time for enrolment.

I certify that the foregoing is a true copy of the original rules filed in the registry of the Court of Chancery.

Colonial Secretary's Office,
18th August 1860.

A. MUSGRAVE,
Registrar in Chancery.

No. 159.

AN ACT to vest certain Land and Premises situate in Church Street in the City of Saint John in Her Majesty, Her Heirs and Successors, to and for the Use of the Colony. [Dated 2nd, published 3rd August 1860.]

Recitals.

WHEREAS the land, buildings, and premises herein-after mentioned and described, lately vested in William Harvey Thompson and Patrick Cardiff upon certain trusts, and by them charged with the payment of certain monies to the Commissioners of the Loan from Her Majesty's Government, were by virtue of a warrant under the hands and seals of the Treasurer and Accountant, bearing date the tenth day of May one thousand eight hundred and fifty-eight, levied upon and exposed to public sale on the seventeenth day of June then next ensuing by Joseph Leaver Bindon, Esquire, the provost marshal: And whereas the said land, buildings, and premises were by virtue of the authority in them vested purchased at the said sale by a joint committee of the Council and Assembly for and on behalf of the public of this Island at the price of three hundred and twenty-one pounds, subject to the payment of the sum of seventeen pounds ten shillings, the balance payable to the said commissioners:

And whereas the said sum of three hundred and twenty-one pounds hath been accordingly paid by the Treasurer on the warrant of his Excellency the Governor to the said provost marshal:

And whereas it is expedient that the said land, buildings, and premises should be vested in Her Majesty, Her heirs and successors, for the purposes herein-after mentioned:

Be it therefore enacted by the Governor, the Legislative Council, and the Assembly as follows:

Premises described to be vested in Her Majesty, &c. for purposes mentioned;

That the piece or parcel of land situate in Church Street in the city of Saint John, butted and bounded to the east by lands of the heirs of John Kentish, James Scotland the younger, and the heirs of Catherine Pigott, to the west and north by lands attached to Government House, to the south by Church Street, with all and singular the buildings thereon, being the said land, buildings, and premises so vested in the said William Harvey Thompson and Patrick Cardiff, and charged, levied upon, sold, and purchased as aforesaid, shall from and after the publication of this Act be vested in Her Majesty, Her heirs and successors, for the purposes herein-after mentioned.

viz., under order of Governor in Council to use of Executive Council and Administrative Committee.
No. 156.

The said land, buildings, and premises shall, under the order and direction of the Governor in Council, be appropriated to the use and occupation of the Executive Council and Administrative Committee of this Island.

No. 160.

AN ACT to continue an Act, intituled "An Act to authorize the Appointment of certain Commissioners, to be called Commissioners of Education, to aid and assist in the Establishment and Maintenance of Schools, and for the Promotion of Education generally."

[Dated 2nd August; Published 3rd August; Left to its operation by Order in Council dated 26th October 1860.]

WHEREAS an Act passed in the twenty-first year of Her Majesty's reign, intituled "An Act to authorize the Appointment of certain Commissioners, to be called Commissioners of Education, to aid and assist in the Establishment and Maintenance of Schools, and for the Promotion of Education generally," now about to expire, should be continued:

Be it therefore enacted by the Governor, the Legislative Council, and the Assembly:

That the above-recited Act and every clause, matter, and thing therein contained shall be and the same are hereby continued for the space of five years from the publication hereof, and thenceforward to the next meeting of the Council and Assembly of this Island.

Continues Act
No. 134 for five years.

No. 161.

AN ACT to consolidate the Laws in relation to the Division of Parishes, the Maintenance of Ministers, the erecting and repairing Churches, and the Recovery of Parish Taxes. Vide Nos. 167, 173, 174.

[Dated 3rd December 1860; Left to its operation by Order in Council dated 16th April 1861.]

BE it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same, as follows:

1. The following shall continue to be the parishes in this Island, as delineated or described in the map or plan of this Island and its dependencies, made or published in the year one thousand eight hundred and fifty-two by William Musgrave Shervington: Parochial divisions.

The division of Falmouth, Rendezvous Bay, and the west part of Willoughby Bay shall continue to be the parish of Saint Paul:

The eastern part of Willoughby Bay, Nonsuch, and Belfast shall continue to be the parish of Saint Phillip:

Such part of the division of Old North Sound as is not included in the parish of Saint George, as herein-after described, together with Guano and Cochrane Islands, shall continue to be the parish of Saint Peter:

All the houses, plantations, and lands, beginning eastward in the division of Old North Sound, including Long Island, the plantation, lands, and houses formerly of John Lucy Blackman, Bayer Otter Bayer, and George Thomas, Esquires, and the plantation, lands, and houses formerly of Benjamin Nibbs, and extending thence westward and comprehending all the plantations, lands, and houses in the division of New North Sound, shall continue to be the parish of Saint George:

The divisions of Popeshead, Dickenson's Bay, Saint John's, and Five Islands shall continue to be the parish of Saint John:

The divisions of Old Road, Bermudian Valley, and New Division shall continue to be the parish of Saint Mary:

Qualification of vestrymen for division.

2. Every male subject of Her Majesty who shall have attained the age of twenty-one years, not being a clerk in holy orders, nor other minister of religion, nor otherwise legally disqualified, and who shall be absolutely and beneficially seised and possessed as owner and proprietor of fifty acres of land, or of any extent of real property of the annual value of seventy-five pounds, or who shall be in the receipt of a yearly income of seventy-five pounds arising by virtue of an annuity upon or beneficial interest in some real property within this Island, or who shall be in the occupation as lessee or tenant of any plantation or estate, and shall be *bonâ fide* liable to the payment of an annual rent of seventy-five pounds, together with the taxes assessed thereon, or who shall be the legal attorney or representative of such owner, annuitant, or lessee, shall be qualified to be elected a member of the vestry in the parish in which such land is situated; but if a sufficient number of such qualified persons within the parish shall not be found to serve as members of vestry it shall be lawful to elect as members qualified persons without the parish.

Qualification of vestrymen for city and towns.

3. Every male subject of Her Majesty who shall have attained the age of twenty-one years, not being a clerk in holy orders, nor other minister of religion, nor otherwise legally disqualified, and who shall be absolutely and beneficially seised and possessed as owner and proprietor of any real property of the annual value of fifty pounds, or who shall be in the receipt of a yearly income of fifty pounds arising by virtue of an annuity upon or beneficial interest in some real property within the city or town in which such property is situated, or who shall be the legal attorney or representative of such owner or annuitant, shall be qualified to be elected a member of vestry for the city of Saint John or towns of English Harbour and Falmouth or of Parham.

English Harbour and Falmouth conjointly one town.

4. English Harbour for the purposes of this Act shall be taken and considered as a town, and conjointly with the town of Falmouth shall return one member of the vestry for the parish Saint Paul.

Town of Parham.

5. The town of Parham shall return one member of the vestry for the parish of Saint Peter.

Electors of city and towns not to vote for parochial divisions.

6. The electors in the city of Saint John and in the town of English Harbour and Falmouth and in the town of Parham shall not by virtue of their city or town qualifications have any right to vote at the election of the remaining members of vestry for the respective parishes of Saint John, Saint Paul, or Saint Peter.

Qualifications of freeholders as electors in city and towns.

7. Every male person as aforesaid who is actually seised and possessed to his own use of any land or lands, with a house or houses, store or stores, shop or shops thereupon built and erected, in fee simple, fee tail, or for a term of his own or another's life, of the clear yearly value of twelve pounds within the city of Saint John or towns of English Harbour, or Falmouth, or Parham, shall be deemed an elector, and by himself or his legal attorney or representative be qualified to vote for a member or members of vestry for the city or town in which such property is situated.

Qualification of occupiers in city and towns as electors.

8. Any male person as aforesaid who shall be in the occupation of any house, shop or store, or warehouse within the city of Saint John or towns of English Harbour and Falmouth, or Parham, and who shall be *bonâ fide* liable to the payment of a yearly rent of not less than twenty-four pounds, together with the taxes assessed thereon, shall be deemed an elector and qualified to vote for a member or members of vestry for the city or town in which such property is situated.

Qualification of freeholders as electors in parishes.

9. Every male subject of Her Majesty who shall have attained the age of twenty-one years, and who shall be actually seised or possessed in fee simple to his own use, or for a term of his own or another's life, of ten acres of land, or

who shall be actually so seised or possessed of five acres of land with a building or buildings thereon of the value of not less than one hundred pounds, or who shall be seised as aforesaid of not less than one acre of land with a building or buildings thereon of the value of not less than two hundred pounds, or of any quantity of land with a building or buildings thereon of the value of five hundred pounds, shall be deemed an elector, and by himself or his legal attorney or representative be qualified to vote for members of the vestry for the parish in which such qualification is situated other than the members of vestry for the city of Saint John and the towns of English Harbour and Falmouth and of Parham.

10. Every male person as aforesaid who shall be in the occupation as lessee or tenant thereof of any plantation or estate, and who shall be *bonâ fide* liable to the payment of an annual rent of fifty pounds, together with the taxes assessed thereon, shall be deemed an elector and qualified to vote for members of the vestry for the parish in which such qualification is situated other than the members of vestry for the city of Saint John and the towns of English Harbour and Falmouth and of Parham. Qualification of occupiers as electors in parishes.

11. All persons being joint tenants or tenants in common, who by reason of their freehold are qualified to vote under the provisions of this Act, shall each have a right to vote out of the said freehold; provided the extent or value thereof amounts to as much as will when divided give to each the amount of the legal qualification herein enacted. Joint tenants and tenants in common of freehold.

12. When any estate, land, or premises as aforesaid shall be jointly leased or rented by more persons than one as lessees or tenants, then each such lessee or tenant shall be entitled to vote; provided the amount of the rental paid by them shall be sufficient, if divided, to give to each the amount of the legal qualification herein enacted. Joint tenants or tenants in common of leasehold.

13. No person shall be allowed to have any vote in the election of a member or members of vestry for or by reason of any trust, mortgage, or estate, unless in the case of a mortgage or trust the mortgagee or trustee be in the actual possession or receipt of the rents and profits of the estate, but the mortgagor or cestuique trust in possession or receipt of the rents or profits shall and may vote for the estate, notwithstanding such mortgage or trust. Trustees or mortgagees not to vote unless in possession or receipt of rents.

14. Every candidate at any election for a member of vestry shall, if required so to do by any other candidate, or by any voter, before any vote be polled in his favour, declare in writing his qualification as aforesaid, and in the event of his election shall, on the institution of any scrutiny in relation thereto, prove the validity of the said qualification to the satisfaction of the returning officer, and on failure of such proof the election of such candidate shall be null and void, and the candidate next in succession on the poll, who shall be duly qualified, shall be declared to be elected, and if there shall be no such candidate the returning officer shall forthwith proceed to the election of a member in the place of the candidate whose election was declared to be null and void. Candidates, if required, to prove qualification.

15. At every election any person offering to vote shall, if thereunto required by any candidate, prove the nature and value of his qualification upon his own declaration, or upon the declaration of any credible witness, or by some deed in writing, or an authenticated copy thereof, or by the best proof which the nature of the case may admit of, to the satisfaction of the returning officer; and no vote which shall have been objected to by any candidate shall be recorded in the polling list unless its validity shall be proved in the manner aforesaid. Voters to prove qualification if required.

16. It shall be lawful for the returning officer, and he is hereby empowered so to do, to receive the declaration of any candidate, voter, or witness as aforesaid, and to demand, receive, and decide upon all necessary evidence in relation Punishment for false declaration.

thereto, and if any person shall wilfully make any false declaration, such person shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Voters, if required, to prove payment of parochial taxes.

17. Every voter who shall offer to vote at any election shall, if required by any candidate or voter, prove to the satisfaction of the returning officer that he has paid all parochial assessments which he shall be liable to at the time of so tendering his vote, and if he fail to do so his vote so tendered shall for this cause be rejected.

Justices to issue precept for summoning electors annually to elect vestry.

18. The justices of the peace residing in each parish, or any two of them, and for want or in case of sickness or other inability of such justices, any such justice and any neighbouring justice, or any two neighbouring justices of the peace, shall and they are hereby required every year, on application of a churchwarden, to issue out a precept under their hands and seals, directed to one or more constable or constables, to summon the persons qualified as electors in such parish to appear, as regards the parish of Saint John, at the Court House, in the city of Saint John, and as regards every other parish at the church of such parish, on such day between the first and fifteenth days of January (Sundays excepted), and at such hour as such justices shall deem fit, for the choosing of eleven fit and proper persons who, with the rector or other officiating minister for the time being, shall be the vestrymen for such parish; and the justices who shall issue every such precept shall attend personally, and they or one of them shall superintend and take the election of the vestry, and shall make a return thereof under their or his hands or hand to the Governor of the persons chosen within four days after such election; and two churchwardens shall within fifteen days after each election of the vestry be elected by such vestry out of their number, if any two are willing to accept the office, but if no such two shall be willing to accept the office of churchwardens, then any two parishioners, though not belonging to such vestry, may be appointed churchwardens, and the churchwardens so to be appointed shall continue to be the churchwardens of the parish until other churchwardens shall be appointed in their stead.

Composition of vestries.

Churchwardens, how chosen.

Vestry of Saint John.

19. Of the eleven vestrymen to be chosen for the parish of Saint John, three to be qualified as aforesaid within the city of Saint John shall be chosen to represent the city of Saint John, and the remaining eight to be qualified as aforesaid within the divisions of Popeshead, Dickenson's Bay, Saint John, and Five Islands, shall be chosen to represent those divisions.

Penalty for refusing to serve as vestryman.

20. Every person duly elected and chosen as a vestryman in the parish where he shall dwell who shall without sufficient excuse refuse to serve as such vestryman shall forfeit a sum not exceeding five pounds.

Penalty on vestrymen for refusing to form vestry.

21. Every vestryman who upon due summons from the minister and a churchwarden shall without sufficient excuse neglect to appear to form a vestry shall for every such default forfeit a sum not exceeding fifty shillings.

Power of vestries to raise tax.

22. It shall be lawful for the vestry, or the major part of them, of each parish to assess a tax upon property within the parish for the maintenance of the minister and for erecting convenient churches and chapels, and the repairing such as are already made, and the making seats and pews in them, and the defraying other parochial incumbent charges.

Settlement of rate.

23. Every proposal or scheme for taxation shall be introduced at a meeting of a vestry consisting of at least seven members, and such meeting shall be held not later than the tenth day of February, and the several vestries shall on or before the twentieth day of February in every year settle and determine the tax to be raised for the use of their respective parishes, and the churchwardens of the several parishes shall make out a roll of the said tax containing the names of the persons taxed, and the rate at which each person is taxed, together with a roll of all arrears of taxes containing the names of the debtors and the several

amounts by them respectively payable, and shall affix the same upon the church door in their respective parishes, and shall deliver to the Treasurer a duplicate of the said roll within fourteen days after the said rate or tax shall have been settled and determined by the several vestries as aforesaid.

24. All persons so taxed shall pay the amount of the tax, together with any arrears of taxes payable by them, respectively to the Treasurer, who is hereby authorized to receive and give discharges for the same, and such payment shall be made by two equal instalments, the first of such instalments to be payable on or before the first day of April, and the second of such instalments to be payable on or before the first day of July in every year.

Time for payment of same.

25. In case any person taxed shall refuse or neglect to pay the amount of the tax, together with any arrears of taxes payable by him, within thirty days after the time herein-before appointed for payment of the same, the Treasurer shall apply to any two justices of the peace, to summon before them on a certain day, within ten days after such application, the person so refusing or neglecting to pay the said tax and arrears of taxes, or either of them, to show cause why a warrant should not be issued to levy for the same, a copy of which summons shall be served upon such person personally, or by leaving the same at his usual place of abode, and in case the person intended to be summoned be absent from the Island, leaving the same with his manager, overseer, attorney, or agent, or at his last place of abode, or at the principal dwelling house of the premises in respect of which the tax shall have been imposed, shall be deemed good service.

Mode of summoning defaulters,

26. In case the person so summoned shall neglect to appear before the said justices on the day by them appointed in the summons, or appearing shall fail according to the judgment of the said justices to show good cause to the contrary, and shall not appeal as herein-after provided against the judgment of the said justices, such person shall be held to be lawfully taxed, and be barred of any further proceeding in respect of the said tax and arrears of taxes, and it shall be lawful for the Treasurer to issue to, and he is hereby required to issue a warrant under his hand and seal, addressed to the provost marshal, setting forth the sum or sums due for the parish tax and the arrears of any parish tax, as the case may be, due from the person against whom such warrant is issued, and authorizing and commanding the said provost marshal to levy the sum and sums of money on such warrant mentioned to be due and owing in manner directed by this Act; and the provost marshal shall proceed to sell the goods, chattels, lands, tenements, and hereditaments so levied upon in all respects as in the case of an execution issued out of the Court of Common Pleas, and shall faithfully pay into the hands of the Treasurer within thirty days after the sale the sum or sums of money arising from such sale after deducting the same fees and charges as are payable on an execution at law.

and of levying rates.

27. It shall be lawful for any person who shall feel himself aggrieved by the judgment of any justices in respect to the validity or otherwise of any tax imposed upon him, or the correctness of the amount of the said tax, to appeal to the next Court of Queen's Bench after such judgment shall have been pronounced which shall be holden not less than ten days after the day of such judgment, provided that such person shall give to the justices pronouncing such judgment, and to the Treasurer, a notice in writing of such appeal and of the cause and matter thereof within three days after such judgment shall have been pronounced, and seven days before the sitting of the said court, and shall also enter into recognizance with two sufficient sureties, before the said justices, or one of them, conditioned to appear at the said court to try such appeal, and to abide the judgment of the said court, and to pay such costs as shall be by the

Persons aggrieved may appeal,

said court awarded; and upon such notice being given and recognizance entered into all further proceedings in reference to the said taxes, or arrears of taxes, shall be suspended until the trial of the said appeal.

to the Court of
Queen's Bench.

28. The Court of Queen's Bench shall, subject to the foregoing provisions, proceed to hear and determine the causes and matters of all such appeals, and to make such order therein as to the said court in its discretion shall seem meet.

Taxes to be a lien on
property taxed.

29. All taxes and rates, and all arrears of taxes and rates now due or to grow due by virtue of any resolution, order, or assessment of any of the vestries of any parish of this Island from any person or persons whomsoever, shall continue and remain as a charge on the goods and chattels, lands, tenements, hereditaments, rents, and annuities in this Island and the islands adjacent thereto of the respective debtor or debtors in respect of such taxes or rates or arrears thereof, against all persons whomsoever into whose hands such property aforesaid or any part thereof shall come or be vested, from the day such sums should have become first due until the said taxes, rates, and arrears thereof are fully paid; and in case of the death of such debtor or debtors their executors, heirs, or other lawful representatives are hereby rendered liable to pay the said parish demands prior to any other debt or debts, whether by judgment or otherwise, due to any subject or other individual, the said debt or debts for the parish taxes, rates, and assessments, and all arrears thereof, being declared hereby to be a lien in law on all such property as aforesaid, and to obtain preference in law to other debts and demands, save and except such as shall be found due to Her Majesty, Her heirs and successors, for any demand of the Crown or for the use of the public treasury of this Island.

Parochial register.

30. The vestry for each parish shall continue to provide a fair and well-bound book, wherein the rector or other officiating minister shall register or cause to be registered within forty-eight hours the time of every baptism, marriage, and burial that shall be performed by him in such parish, under the penalty of five pounds for every default by any such rector or minister, and such rector or minister shall be entitled to the sum of four shillings for every attested copy of the entry of any baptism, marriage, or burial, and sixpence per year for searching the register.

Penalty for marrying
without licence or
banns.

31. Any rector or officiating minister who shall marry any person without publication of banns or licence from the Governor authorizing him thereunto shall be deemed guilty of a misdemeanor, and shall upon conviction in the Court of Queen's Bench be punished by imprisonment not exceeding twelve months, or by fine not exceeding forty pounds; but this section shall not relieve any rector or minister from any proceeding or punishment authorized by any ecclesiastical court or law.

Stipends of rectors.

32. The rectors of the several parishes of Saint George, Saint Peter, Saint Philip, Saint Paul, and Saint Mary shall severally receive an annual stipend of three hundred pounds, and the rector of Saint John shall receive an annual stipend of five hundred pounds: Provided always, that when and so often as the living of Saint John's shall be held in conjunction with the archdeaconry of Antigua, the rector of Saint John's shall receive a stipend of three hundred pounds only.

Allowance for house
rent.

33. The rectors of Saint George and Saint Peter shall be entitled to receive such further sum as and for an allowance for house rent as the vestries respectively of the said parishes shall determine to be just and reasonable.

Stipends may be in-
creased by vestries.

34. The said salaries shall be held to be in full satisfaction of all fees hitherto payable for any baptismal or burial service, and shall be payable quarterly on the order of the Governor to the Treasurer: Provided always, that it shall be

competent to any vestry to add by way of special grant or donation to the stipend herein-before provided for the rector of the parish, and such vestry making provision for payment of the same in the assessment of the taxation for the year.

35. All salaries allowed to any officer or person by the vestry of any parish, and all parochial incumbent charges allowed by such vestry, the whole not exceeding the sum raised for parochial purposes and certified by the rector and churchwardens, shall be paid, on the warrant of the Governor, by the Treasurer. Salaries, &c. to be paid on warrant of Governor and certificate of rector and churchwardens.

36. All fines, forfeitures, and penalties imposed by this Act shall be for the use of the parish in or in respect of which they shall be incurred, and unless otherwise specially directed shall be inquired into, heard, adjudged, and determined upon by a police magistrate, and shall be recovered by warrant of distress and sale under his hand and seal, and such fines, forfeitures, and penalties when recovered shall be paid into the public treasury. Recovery and application of fines, &c.

37. All lands, tenements, and hereditaments now vested in or belonging to any rector, vestry, or churchwardens of any parish shall continue vested in such rector, vestry, or churchwardens, and his or their successors, for the use or purpose for which the same are now vested in such rector, vestry, or churchwardens respectively. Lands, &c. vested in rector so to continue.

38. Nothing in this Act contained shall repeal or affect any provision contained in the Act, intituled "An Act for repealing all Laws now in force relating to Ecclesiastical Regimen or to any Matter or Thing thereby regulated, and for extending to this Island Antigua all Laws, Ordinances, and Canons Ecclesiastical which are now used and in force in that Part of the United Kingdom of Great Britain and Ireland called England, so far as the same relate to the due ordering and Ecclesiastical Regimen and Jurisdiction over the Clergy therein, and all Rules of Proceeding for carrying the same into effect," or the Act, intituled "An Act to assist in providing a sufficient Stipend for the Minister of All Saints' Chapel; and to authorize the Lord Bishop of the Diocese to appoint a certain Ecclesiastical District around it." Acts No. 56 and 75 to remain in force.

39. Repeals certain Acts.

40. This Act shall come into operation on the first day of January one thousand eight hundred and sixty-one.

41. This Act may be cited as "The Clergy Act."

No. 162.

AN ACT for the Regulation of Porters, Jobbers, and Watermen, and for the licensing and Registration of all Boats plying or engaged in any way at or about this Island.

[Dated 3rd December 1860; Left to its operation by Order in Council dated 26th June 1861.]

WHEREAS it is expedient that the various laws for the regulation of persons plying as porters, jobbers, and watermen, and for the registration of all boats plying or engaged in any way at and about this Island, be amended and consolidated:

Be it therefore enacted by the Governor, the Council, and Assembly, as follows:

1. From and after the first day of January next ensuing, every person intending to ply, hire, or employ himself as a porter, jobber, or waterman, either No person after 1st January 1861 to act as porters, jobbers, or

watermen unless
licensed in manner
herein directed.

on shore, or in boats or vessels in any of the harbours or roadsteads of this Island, shall make application to the police magistrate or other magistrate sitting at the police office in the city of Saint John's or in the several towns or police districts of this Island, for a licence so to employ himself; and the said magistrate or magistrates, upon being satisfied, after due inquiry, of the character and fitness of such applicant, shall certify the same to the Treasurer, who shall thereupon grant such licence in the manner and form set forth in schedule numbered one to this Act annexed, and the Treasurer having numbered and enrolled such licence shall deliver the same to such person so licensed with a small metal plate or badge on which the word porter or waterman (as the case may be) and a corresponding number shall be stamped or engraved, which badge shall be worn by the person licensed on a conspicuous part of the left arm near the shoulder, and for such licence and badge the person so receiving the same shall pay the sum of five shillings to the Treasurer: Provided always, that the number of persons licensed as porters and jobbers shall not at any one time exceed one hundred and fifty, and those licensed as watermen shall not exceed at any one time one hundred.

Licences at whatever
period of a year
granted to expire on
the 1st January of the
succeeding year.

2. All licences as aforesaid shall take effect from the first day of January in each year, and if any licence is granted at any other period, the person receiving the same shall pay the full fee for the year, and such licence must be renewed at the above regular time of licensing: Provided always, that any porter, jobber, or waterman licensed at the time this Act comes into operation shall be entitled, if found eligible under this Act, to receive a licence as a porter, jobber, or waterman, upon the payment of the difference between the amount already paid for the unexpired term of his former licence and the amount chargeable for a licence under this Act.

Offences for which
porters and watermen
may be deprived of
their licences.

3. If any licensed porter, jobber, or waterman shall be convicted before any justice of any offence against the peace or good order of society, it shall be in the power of such justice, besides any punishment for the specific offence to which he may be liable, at his discretion to deprive such offender of his licence and badge, of which immediate notice shall be given to the Treasurer, in order that the name of such offender may be erased from the roll of licensed porters, jobbers, or watermen.

Penalty for acting as
porter without licence.

4. Any person offering himself to be employed as a porter, jobber, or waterman or who shall be found so employed without having received such licence and badge, and any person employing such unlicensed person, shall, on conviction thereof before any justice, be liable to a penalty not exceeding ten shillings; and every porter, jobber, or waterman who shall not wear his badge in the manner prescribed in this Act shall, on conviction thereof before any justice, be liable to a penalty not exceeding five shillings.

List of porters, &c.
to be hung up in
treasury and police
offices.

5. For the better regulation of porters, jobbers, and watermen, a list of their names, with the numbers of their respective badges, shall be hung up in the Treasurer's office, and the police offices of Saint John's, Parham, and English Harbour, and it shall be the duty of the inspector general of police to appoint, and to change from time to time as may appear necessary for the public convenience, the places at which such porters, jobbers, and watermen shall assemble to be hired, and to make any regulations requisite in relation to the number to assemble at each stand; and for any breach of such regulations any porter and jobber, or waterman shall, on conviction thereof before any justice, be liable to a penalty not exceeding five shillings.

Penalty for lending
or forging badges.

6. Any porter, jobber, or waterman who shall transfer, lend, or allow any other person to use his licence or badge, or any person who shall wear such badge, not being thereunto lawfully entitled, or any person who shall forge,

make, or counterfeit, or have in his possession any forged, made, or counterfeited licence or badge, shall, on conviction thereof before any justice, be liable to a penalty not exceeding forty shillings.

7. Every such licensed porter and jobber who has faithfully performed the work he has undertaken shall receive for the same the sum of money specified in schedule of charges to this Act annexed, numbered two, and no more.

Fares receivable by porters, &c.

8. Every licensed porter, jobber, or waterman who shall extort, demand, or take any greater or other hire or reward than the sum fixed by this Act, or who being called upon at any time between the hours of six in the morning and six in the evening shall refuse, wilfully avoid, or attempt to avoid any fare, passenger, hire, or job, or who shall represent that he is hired or engaged when he is not so hired or engaged, or who shall without reasonable cause refuse or neglect to ply or carry, or who shall not answer when called upon by the number of his boat or his number, and every licensed waterman aforesaid who shall ply any fare or passenger and afterwards refuse to take such fare or passenger to such place as he shall lawfully direct, or who shall unnecessarily delay any fare or passenger, and every porter, jobber, or waterman who shall not proceed with due diligence and exertion, and without any let, hindrance, or delay, to such place as shall be lawfully directed, shall for every such offence forfeit and pay a penalty not exceeding five shillings.

Penalty for extortion,

9. Any waterman who shall refuse to permit, or in any manner hinder or prevent, or attempt to hinder or prevent any person from reading the number painted on any licensed boat, or shall refuse to tell his Christian name or surname, or the number of his licence or the number of the boat, and any porter, jobber, or waterman who shall refuse to tell the number of his licence to any person who shall demand the same on paying any fare or hire, or who shall use any indecent, scurrilous, or abusive language to any passenger or person by whom he shall have been, or shall be, or be attempted to be hired or employed, shall for every such offence forfeit and pay a penalty not exceeding forty shillings.

and other misconduct of watermen, porters, &c.

10. If any person who shall have employed any such licensed porter, jobber, or waterman shall refuse or neglect to pay the lawful hire of the same, it shall be lawful for any police magistrate, on complaint made before him, to cause such person to be summoned before such police magistrate, and if after due inquiry upon oath such magistrate is satisfied that any hire is due by the party complained against, it shall be lawful for such police magistrate to order immediate payment of the same, together with such sum of money, not exceeding twenty shillings, as such police magistrate shall think ought reasonably to be paid to such complainant for his loss of time in attending to such proceedings, together with the costs of his complaint; and in case such person shall not forthwith pay to such complainant such fare or hire, together with such sum of money for his loss of time as aforesaid, and costs as aforesaid, it shall be lawful for such police magistrate to commit such person to the common gaol for any term not exceeding fourteen days, unless such fare or hire, sum of money and costs, be sooner paid and satisfied.

How fares, &c. are to be recovered.

11. Within ten days from and after the first day of January next, and subsequently at the same time of every succeeding year, every owner of every flat, boat, or craft of any description whatever, plying or engaged in any way at or about this Island (except such as are carried by registered vessels) shall apply to the harbour-master of the port to which or nearest to which such vessel belongs, for a licence to possess and use such flat, boat, or craft, and such harbour-master on being satisfied of the safety and fitness of such flat, boat, or

Time within which owners of flats, &c. or craft are to take out licences.

craft, shall grant a licence for such, and shall upon affidavit upon oath that the person so applying is the actual and *bonâ fide* proprietor and owner of such flat, boat, or craft, (which oath such harbour-master is hereby authorized to administer,) register the same: The licence shall be in the manner and form set forth in the schedule, number three, to this Act annexed: And for such licence the person receiving the same shall pay the sum of five shillings, one moiety of which sum shall be paid into the treasury by the said harbour-master, and the remainder appropriated to his use, in compensation for making and keeping the registry aforesaid.

Such licences to be
for 12 months.

12. Every licence for a flat, boat, or craft shall be made for twelve calendar months, from the first day of January in each year, save and except that the owners of all boats licensed under the Acts in force at the time of this Act coming into operation shall, on being approved by the harbour-master as in clause number eleven is provided, be entitled to a licence in respect of such boat under this Act for the residue of the time during which such existing licence may have to run, upon payment of a sum of one penny per month for such unexpired time, and no more.

Licensed boats to be
properly furnished.

13. Every licensed boat shall when employed or plying be furnished with one good oar for each boatman, and also with a rudder, tiller, and spare thole pins, and a bucket or other proper utensil for bailing, in default whereof the licensed owner of such boat shall forfeit and pay a penalty not exceeding twenty shillings.

After notice by har-
bour-master of boat
being unseaworthy
owner not to use
same under penalty.

14. If such licensed boat shall become out of repair, unseaworthy, or otherwise unsafe, the harbour-master shall cause a notice thereof in writing to be served on the owner of such boat requiring him to repair the same, and not to use such boat as a licensed boat until the same shall be repaired and made safe and seaworthy, and the owner of such boat and every person who shall, after such service of such notice as aforesaid, ply with such boat as a licensed boat, the same not being in good repair, safe, and seaworthy, shall forfeit and pay a penalty not exceeding five pounds.

Licensed boats to
have name of owner,
&c. painted on stern.

15. Every flat, boat, or craft licensed and registered as before mentioned shall have the number of such licence, with the initial of the port from which it is registered, and the name of the owner, legibly painted on the stern in letters and figures not less than one and a half inches in length, and the said stern shall be *bonâ fide* a fixed part of the boat, and not a shifting board moveable at pleasure; and if any person shall be employed or shall ply in such boat as a boatman without having the number of the licence so thereon painted as aforesaid, he shall forfeit and pay a penalty not exceeding ten shillings.

Boats not licensed or
found evading the
revenue law, &c. may
be seized and sold.

16. Any flat, boat, or craft as aforesaid which shall not be licensed and registered and marked as in the preceding section, or which shall be found loading or discharging any commodity at any other place than a wharf or public landing place of the city or of the several towns in this Island, without direction or authority from the owner, attorney, or manager of the property at or upon which such loading or discharging shall take place, or which shall be found evading the revenue laws of this Island, or which shall be engaged in the removal of stolen property, shall be liable to be seized, with the lading thereof, and upon satisfactory proof of the offence before any police magistrate of the district, such police magistrate is hereby authorized and required to order such boat and its lading to be sold by a constable, and after paying the expenses of the sale, and all claims due to the treasury for duties, that the surplus be paid and applied as follows; that is to say, such part thereof, not exceeding one moiety, as the convicting justice shall adjudge to the person or persons who shall have informed or sued for and recovered the same, and the residue thereof to the

public Treasurer for the use of this colony; provided that if it shall be made to appear to the satisfaction of the convicting justice that any such flat, boat, or craft as aforesaid was employed without the knowledge or privity of the owner thereof, or that such lading was on board of any such vessel without the knowledge or privity of the owner of such lading, and without any wilful neglect or want of reasonable care of such owner respectively, then and in any such case the said justice shall and he is hereby authorized and required to deliver up the said flat, boat, craft, or lading to the owner of the same.

17. If any luggage, baggage, or goods shall be lost or injured from, or in, or in putting or removing the same into or from any licensed boat by or through the negligence or carelessness of the owner of such boat or any boatman employed therein, or if any goods, parcel, letter, or load shall be lost or injured by or through the carelessness of any licensed porter or jobber employed to carry the same, the owner of such boat and such waterman, porter, or jobber so offending shall respectively forfeit and pay to the party aggrieved a sum not exceeding twenty pounds.

Porters and watermen occasioning loss through carelessness, &c. subject to penalties.

18. The harbour-masters shall and are hereby required, within one month after the time appointed by this Act for the licensing of boats in each year, to publish in the contract newspaper a list of all licensed boats, and to furnish copies of such lists to the police offices of Saint John's, Parham, and English Harbour, the same to be hung up in some conspicuous place therein, and the said harbour-masters shall immediately after making up such lists pay into the Island Treasury all and every the fees for licensing boats received under the authority of this Act; and if the said harbour-masters shall fail to make up such lists or pay such fees as aforesaid, they and each of them for each and every default shall forfeit and pay a sum not exceeding fifty pounds, to be sued for and recovered by the Treasurer by action of debt in the Court of Common Pleas of this Island.

Harbour-masters to publish lists of licensed boats, &c. and pay into treasury fees received by them for licensing same;

19. All licensed boats shall be made fast to the wharf, or moored in such place as shall be pointed out by the harbour-masters, so that the public convenience may be promoted thereby; and any boatman who shall refuse or wilfully neglect to obey any lawful command of the harbour-master respecting the placing or removing of his boat shall for every such offence forfeit and pay a penalty not exceeding ten shillings.

and to appoint places for the mooring of boats.

20. For the better regulating the hire of such boats, flats, and crafts as ply for hire in the harbours of Saint John's, Parham, and English Harbour, any owner or person in charge thereof who shall faithfully perform the services undertaken by him or his servants shall have and receive for the same the sum of money specified in the tariff of charges to this Act annexed numbered four.

Rate of hire for boats, &c. plying in harbours of St. John, &c.

21. Every penalty or forfeiture imposed by this Act, and not directed to be otherwise recovered, shall and may be sued for by any person who will inform and sue for the same before any police magistrate; and on conviction of any such offender if the amount of such penalty and all costs be not paid forthwith or within such time as shall be limited by such police magistrate for the payment thereof, it shall be lawful for him to commit the offender so convicted to the common gaol, there to be kept for any time not exceeding one calendar month when the penalty shall not exceed twenty shillings, and for any time not exceeding three calendar months when the penalty shall exceed that sum, unless in the meantime such penalty and costs be sooner paid.

Mode of enforcing penalties.

22. Every penalty recovered under this Act shall, except when otherwise specially directed, be paid and applied as follows; that is to say, such part thereof not exceeding one moiety, as the convicting justice shall adjudge, to the

Application of penalties.

Suits for same to be commenced within three months.

Persons excepted from operation of Act.

Governor may mitigate or remit any penalty or order return of vessel or goods seized under such terms and conditions as he may think proper.

person or persons who shall have informed or sued for and recovered the same, and the residue thereof into the public treasury for the uses of the Colony.

23. Every suit or information for any penalty imposed by this Act shall be commenced within three calendar months after the offence committed, and not after.

24. This Act shall not apply to domestic servants employed in the service of their masters, nor to labourers employed by the Royal Mail Steam Packet Company, nor to females employed as porters or jobbers, nor to agricultural labourers or servants employed in or on the business of a plantation, or in the immediate or personal service of the owner, possessor, attorney, manager, or overseer of a plantation, land, or messuage situate beyond the city or any town in this Island, nor to persons engaged in the burial of the dead.

25. It shall and may be lawful for the governor by any order made for that purpose to direct any vessel, boat, craft, goods, or commodities whatever seized under this Act to be delivered to the proprietor thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine or any part of any penalty or fine incurred under this Act, or to release from confinement any person committed under this Act, on such terms and conditions as to him shall appear to be proper; provided that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission, or release, unless such terms and conditions are fully and effectually complied with.

SCHEDULE No. 1.

LICENSED PORTER, JOBBER, or WATERMAN.

A.B. is hereby licensed to act as a porter and jobber, (or waterman, as the case might be,) under the provisions of "An Act for the Regulation of Porters, Jobbers, and Watermen, and for the licensing and Registration of all Boats plying or engaged in any way at or about this Island," for twelve calendar months from this first of January 18

Given under my hand this

Treasurer.

SCHEDULE No. 2.

TARIFF OF CHARGES for PORTERS and JOBBERS.

For a customary working day on shore, one shilling and eightpence.

For the same on board ship, either in harbour or outside the bar, and in proportion for any part of a day, two shillings and sixpence.

For carrying a load on dray, truck, or otherwise, from any wharf in Saint John's to any store or house not eastward of Corn Street, or a like distance, each man one penny halfpenny.

To any place eastward of Corn Street, or a like distance, twopence each man.

For carrying any letter, parcel, or load not exceeding thirty pounds, any distance within the Island not exceeding four miles, one shilling.

For every additional mile, threepence.

SCHEDULE No. 3.

BOAT LICENCE No.

A.B. is hereby licensed to keep and ply a boat, under the provisions of "An Act for the Regulation of Porters, Jobbers, and Watermen, and for licensing and Registration of all Boats plying or engaged in any way at or about this Island," for twelve calendar months, from the first of January 186

Given under my hand this

Harbour-master.

SCHEDULE No. 4.*

TARIFF OF CHARGES for BOATS, FLATS, and CRAFTS, SAINT JOHN'S.

- For any boat, flat, or craft, with two oars, conveying passengers, letters, and baggage to and from any place, or any vessel at anchor, within a line drawn from Prince Alfred's Point, to the west end of the Moravian Church, Green Bay, sixpence. Tariff of charges, &c. for Saint John's.
- For any boat, flat, or craft, with two oars, conveying passengers, letters, baggage, or any reasonable load, to and from any place, or any vessel at anchor, within a line drawn from the west end of Bat Island, to the west end of Weeks Point opposite, one shilling.
- Beyond that line, and within a line drawn from James' Fort, to the centre of Ballast Bay, on the opposite shore, one shilling and fourpence.
- Beyond that line, and within a line drawn from the "Sisters" bearing north, to the opposite shore, two shillings and eightpence.
- For landing horses, mules, asses, or horned cattle, one shilling each.
- One moiety of the above rates to be payable by the owner or person in charge of the boat, flat, or craft, to the watermen employed in the same.
- For a day's work on board ship, and in proportion for any part of a day, at the rate of two shillings and sixpence per day.
- For a day's work on board any boat, flat, craft, or long boat, and in proportion of any part of a day, at the rate of one shilling and eightpence per day.
- Any job which cannot be computed by the foregoing rates shall be fixed by agreement, and the amount thereof recovered under the tenth clause of this Act.

PARHAM.

- For any boat, flat, or craft, with two oars, carrying as above, from any place or vessel, within a line drawn west from a point on Crabb's estate, called Umbrella Point, tenpence.
- Beyond that line, within a line drawn east and west of the south of Maiden Island, one shilling and eightpence.
- Beyond the latter line, two shillings and eightpence.

ENGLISH HARBOUR.

- For every passenger to or from any vessel near the dockyard, sixpence. For English Harbour.
- For each package, threepence.
- For every passenger to or from any vessel in Freeman's Bay, eightpence.
- For every package, threepence.
- For every passenger to or from any vessel outside, one shilling and fourpence.
- For every package, sixpence.
- For every boat with two oars, hired by any individual to convey passengers, baggage, or other reasonable load, to or from any vessel near the dockyard, two shillings.
- For the same to or from any vessel in Freeman's Bay, two shillings and sixpence.
- For the same to or from any vessel outside, four shillings.
- For the same beyond a line drawn from Snappers Point to Hicks' Point, for each mile extra, one shilling.

In addition to the foregoing rates, the sum of eightpence shall be payable for every hour, or more than half an hour, for which any boat, flat, or craft plying in any of the above ports may be detained; and for any boat, flat, or craft with four oars, double the above prices.

3. The following quantities shall be, and the same are hereby declared to be a reasonable load, to be carried in each trip, in and by each boat, flat, or craft plying in any of the ports of this Island; namely,

- 14 Barrels flour, meal, or other dry provisions, or
10 Barrels beef, pork, or pickled fish, or 4 tierces cod fish, or

* This Schedule was substituted for original Schedule in this Act by Amending Act, dated 4th July 1861; Left to its operation by Order in Council dated 30th November 1864.

25 Bags corn, oats, peas, or bran, or 14 sacks oats, or 10 sacks salt, or
 80 Boxes soap, candles, cheese or smoked herrings, or
 3 Tierces rice, or 70 kegs butter or lard, or
 2 Puncheons rum or molasses, or one hogshead sugar or coals, or
 3 Puncheons oil meal, or 80 hams assorted, or
 750 Inspection staves, or 1,000 staves called culls, or any other articles in like proportion.

No. 163.

AN ACT to authorize the Payment of the Salaries of Officers and other Persons employed in the Public Service by monthly in place of quarterly Payments.

[*Dated 8th February 1861; Left to its operation by Order in Council dated 30th November 1864.*]

WHEREAS the payment of the salaries of officers and other persons employed in the public service by monthly in place of quarterly payments would enhance the value of such salaries:

Be it enacted by the Governor, the Council, and Assembly as follows:

1. All salaries and allowances to public officers and other persons employed in the public service, shall from henceforward be payable by monthly in place of quarterly payments.

No. 164.

AN ACT to authorize the Appointment of certain Commissioners with a view to the Establishment of an Extramural Cemetery for the City of Saint John.

[*Dated 8th February; Left to its operation by Order in Council dated 26th June 1861.*]

WHEREAS it is expedient to establish an extramural cemetery for the city of Saint John:

Be it therefore enacted by the Governor and the Council and Assembly as follows:

1. It shall be lawful for the Governor to issue his commission to five persons constituting them commissioners for the purpose of establishing an extramural cemetery for the city of Saint John.

2. It shall be the duty of the said commissioners to make due inquiry and to report to the Governor and the Council and Assembly the most eligible site or sites for such cemetery, and the price and terms at which the same can be purchased for the purpose of such cemetery.

No. 165.

AN ACT for taking the Census of Antigua.* [Dated 28th March 1861.]

* The census taken under this Act on the 8th April 1861 showed a population of 36,412 persons, consisting of 16,742 males, and 19,670 females.

Appointment of
commissioners.

Their duty.

No. 166.

AN ACT to impose a Duty on Dogs, and to regulate the Assessment and Collection of such Duty.

[Dated 25th May 1861 ; Left to its operation by Order in Council dated 30th November 1864.]

WHEREAS it is expedient that a duty should be assessed on dogs :

Be it enacted by the Governor, the Council, and Assembly as follows :

1. That from and after the passing of this Act every person in this Island who shall on the day or days on which the duty on dogs is herein-after made payable have in his possession or keeping any dog, whether the same shall be the property of such person or not, shall pay into the Public Treasury of this Island the sum or duty of two shillings for each and every such dog as he shall have in his possession or keeping at such time or times respectively. A tax of 2s. to be paid on every dog.
2. That the said sum or duty shall be payable on the 1st day of July and the 1st day of January which shall be in every year, the first of such sums or duties to be payable on the 1st day of July next. On 1st of July and January in each year.
3. That the Treasurer shall upon the receipt of every such sum or duty give to the person paying the same a receipt in the form set forth in the Schedule to this Act marked A., and shall at the same time deliver to such person a copper badge with some distinguishing mark (to be determined upon by the said Treasurer) engraved thereon on such person paying for such badge the sum of sixpence. Treasurer to give receipt for duty together with a badge.
4. That any person using a counterfeit badge with such distinguishing mark thereon shall upon conviction before a police magistrate be liable to a fine or penalty not exceeding two pounds, and in default of payment of such fine or penalty shall be liable to imprisonment in the common gaol for any period not exceeding thirty days. Penalty for counterfeiting same.
5. That the fine or penalty paid under the provisions of the 4th section of this Act shall be applied as follows : One moiety shall be paid to the person informing, provided such person is not a policeman, and the person so informing is hereby made a competent witness, and the other moiety shall be paid into the public treasury of this Island, and in case the person informing shall be a policeman the whole of such fine or penalty shall be paid into the public treasury. Application of fines.
6. That it shall be lawful for any person to seize any dog that shall be found wandering at large not having a collar with the badge with such distinguishing mark thereon as aforesaid, and to carry such dog to the nearest police station, the person for the time being in charge of which is hereby authorized and required to receive, keep, and feed such dog. Dogs found wandering at large to be seized.
7. That when any dog shall have been so seized and delivered to the nearest police station as aforesaid, no person shall be entitled to reclaim such dog unless he shall tender to the person for the time being in charge of such police station the amount of the daily keep of such dog from the time that he has been kept at the police station at the rate of sixpence for each day. Expense of keeping dog seized to be paid by reclaimant ;
8. That when any dog shall have been so seized and delivered to the person for the time being in charge of the nearest police station as aforesaid, such dog shall unless claimed within three days be either sold or destroyed. and if not reclaimed within three days to be sold or destroyed.
9. That the proceeds of the sale of any dog which shall be sold under the provisions of the eighth section of this Act shall be disposed of as follows : One moiety to the person who has seized such dog and delivered it to the person in charge of the nearest police station, unless such person shall be a policeman, Disposal of proceeds of such sale.

in which case such moiety shall be paid into the public treasury of the Island, and the other moiety to the person who has been at the expense of feeding such dog.

Penalty for not paying dog tax.

10. That every person who shall have in his possession or keeping a dog which is not exempt from the duty hereby assessed on dogs under the provision herein-after contained, upon which the duty hereby assessed shall not have been paid according to the provisions herein-before contained, shall be liable upon conviction before a police magistrate to pay, within such times the police magistrate shall in his discretion fix, a fine or penalty not exceeding two pounds for such offence, and the amount of duty which ought according to the provisions of this Act to have been paid into the public treasury on account of such dog; and in default of payment of such fine or penalty and such duty so in arrear as aforesaid shall be liable to be imprisoned in the public gaol for any period not exceeding thirty days.

Application of last-mentioned penalty.

11. That the fine or penalty incurred and paid under the provisions of the tenth section of this Act shall be applied as follows: One moiety thereof shall be paid to the person informing against the person convicted and adjudged to pay such fine or penalty who is hereby made a competent witness, unless such person shall be a policeman, and the other moiety shall be paid into the public treasury, and in case the person informing shall be a policeman, the whole of such fine or penalty shall be paid into the public treasury.

No tax on dog under six months old.

12. That all dogs below the age of six months shall be exempt from the duty herein-before assessed on dogs.

Exemption how proved.

13. That any person claiming exemption under the twelfth section of this Act shall not have the benefit of such exemption unless he shall first make a solemn declaration before a police magistrate in the form in Schedule to this Act marked B. that the dog on account of which he claims such exemption is under the said age of six months.

False declaration a misdemeanor.

14. That any person who shall wilfully and corruptly make and subscribe the declaration hereby required to be made, knowing the same to be untrue, shall be deemed guilty of a misdemeanor.

Police officer may require production of receipt for dog tax.

15. That any person having in his keeping or possession any dog shall be obliged upon demand made by any policeman to show his receipt for the payment of the duty hereby assessed for such of the days hereby appointed for the payment thereof as shall have last preceded the day on which such demand shall be made; and any policeman is hereby required to make such demand upon the suggestion and requirement of any person.

Short title of Act.

16. That this Act may be cited as the "Dog Tax Bill."

SCHEDULES.

A.

Received from the sum of shillings as duty on a dog (or dogs under the provisions of the Dog Tax Bill for the period of months.

B.

I A.B. do solemnly declare that the dog (or dogs) on which I claim exemption under the twelfth clause of the Dog Tax Bill is (or are) under the age of six months.

No. 167.

AN ACT to provide Pastoral Assistance for the Parish of Saint John.
[Dated 25th May; Left to its operation by Order in Council dated 11th October 1861.]

WHEREAS an Act, entitled "An Act to provide Pastoral Assistance for the Parish of Saint John," dated the sixteenth day of May one thousand eight hundred and fifty-four, expired on the sixteenth of May of this present year:

And whereas the curates of the said parish for whose maintenance provision was therein made have continued, notwithstanding its expiration, to perform as heretofore their respective duties as such curates:

And it is desirable that provision should be made to remunerate them for such services, and to provide pastoral assistance for the future for the said parish:

Be it therefore enacted by the Governor, Council, and Assembly as follows:

1. That on the certificate of the rector or officiating minister for the time being of the said parish, the curate who resides in the city of Saint John, and the curates for the districts of the said parish, *viz.*, Saint James' and Saint Luke's, have performed their respective duties during the time for which payment is required, and not otherwise, the Treasurer shall pay to a curate who shall reside in the city of Saint John the sum of two hundred and twenty-five pounds; to a second curate who shall reside in the vicinity of the chapel of ease situate in the north-west part of the said parish commonly called "Saint James," the sum of two hundred and twenty-five pounds; and to a third curate who shall reside in the vicinity of the chapel of ease situate in the south-west part of the said parish, commonly called "Saint Luke's Chapel," the sum of two hundred and twenty-five pounds; and that the provision so made shall be held to be in full of all stipend and other remuneration whatsoever to the respective curates, and shall commence from the sixteenth day of May last past.

2. This Act shall continue in force for seven years from the date hereof, and thenceforward to the next meeting of the Council and Assembly.

No. 168.

AN ACT to provide for the Recovery of the Record Tax, and to transfer certain duties to the Administrative Committee.
[Dated 5th August 1861.]

BE it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same, as follows:

1. In case any person liable to pay any tax imposed by the Act, intituled "An Act to ascertain the number of acres in this Island, and the Islands adjacent thereto belonging, and the quantities of Sugar, Rum, and Molasses annually produced therefrom, and for making a public record thereof and for laying a small tax thereon and applying the same," shall refuse or neglect to pay such tax within the time thereby limited for payment thereof, the Treasurer shall apply to a police magistrate to summon before him on a certain day, within ten days after such application the person so refusing or neglecting to pay the said tax to show cause why a warrant should not be issued to levy the same, a copy of which summons shall be served upon such person personally or by leaving

Defaulters not paying record tax to be summoned before police magistrate.
 Nos. 38, 44.

the same at his usual place of abode, and in case the person intended to be summoned be absent from the Colony, leaving the same with his manager, overseer, attorney, or agent, or at his last place of abode, or at the principal dwelling house of the premises in respect of which the tax shall be due, shall be deemed good service.

Proceedings before
magistrates, and mode
of levying tax.

2. In case the person summoned shall neglect to appear before the police magistrate on the day appointed in the summons, or appearing shall fail according to the judgment of the said magistrate to show cause to the contrary, and shall not appeal as herein-after provided, such person shall be held to be lawfully taxed, and be barred of any further proceeding in respect of such tax; and it shall be lawful for the Treasurer and he is hereby required to issue a warrant under his hand and seal directed to the provost marshal, setting forth therein, or in any schedule thereto, the sum or sums due for such tax from the person or persons against whom such warrant is issued, and authorizing and commanding the provost marshal to levy the sum or sums of money in such warrant or schedule mentioned to be due and owing, in manner directed by this Act, and the provost marshal shall proceed to levy and sell the goods, chattels, lands, tenements, and hereditaments of the several defaulters sufficient to satisfy the sum or sums of money due by them, respectively, with all costs and charges, in all respects as in the case of an execution out of the Court of Common Pleas, and shall pay the sum or sums directed to be levied to the Treasurer, and return the overplus, if any, to the person by law entitled thereto, and a conveyance by the provost marshal of any lands, tenements, or hereditaments sold under any such warrant shall have the same effect as a like conveyance under an execution issued out of the said court.

Persons aggrieved
may appeal.

3. It shall be lawful for any person who shall feel himself aggrieved by the judgment of any police magistrate in respect of the validity, or otherwise, of any tax imposed upon him, or the correctness of the amount of such tax, to appeal to the next Court of Queen's Bench after such judgment shall have been pronounced, which shall be holden not less than ten days after the day of such judgment, provided that such person shall give to the magistrate pronouncing such judgment, and to the Treasurer, a notice in writing of such appeal, and of the cause and matter thereof within three days after such judgment shall have been pronounced and seven days before the sitting of the said court, and shall also enter into recognizance with two sufficient sureties before such magistrate conditioned to appear at the said court to try such appeal and to abide the judgment of the said court, and to pay such costs as shall be by the said court awarded, and upon such notice being given and recognizance entered into, all further proceedings in reference to the said tax against the person so appealing shall be suspended until the trial of the said appeal.

Court of Queen's
Bench to hear appeals.

4. The Court of Queen's Bench shall, subject to the foregoing provisions, proceed to hear and determine every such appeal, and to make such order therein as to the said court in its discretion shall seem meet.

Duties performable
by Board of Public
Accounts transferred
to Administrative
Committee.
No. 156.

5. Any duty or act required or authorized to be performed by the Board of Commissioners of Public Accounts under any Act of the Legislature of this Colony, shall and may henceforth be done and performed by the Administrative Committee.

Section 6 repeals certain enactments.

No. 169.

AN ACT to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders. [Dated 29th August 1861.] 11 & 12 Vict. c. 43.

BE it enacted by the Governor, the Council, and Assembly as follows :

1. That in all cases where an information shall be laid before a police magistrate, that any person has committed or is suspected to have committed any offence or act for which he is liable by law upon a summary conviction for the same to be imprisoned or fined or otherwise punished, and also in all cases where a complaint shall be made to a police magistrate upon which he has or shall have authority by law to make any order for the payment of money or otherwise, then and in every such case it shall be lawful for such magistrate to issue his summons (A.) directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place before the police magistrate then and there being to answer to the same, and to be further dealt with according to law, and every such summons shall be served by a constable or other peace officer or person to whom the same shall be delivered upon the person to whom it is so directed, by delivering the same to the party personally or by leaving the same with some person for him at his last or most usual place of abode, and the constable, peace officer, or person who shall serve the same in manner aforesaid, shall attend at the time and place in the said summons mentioned, to depose, if necessary, to the service of the said summons : Provided always, that no objection shall be taken or allowed to any information, complaint, or summons for any alleged defect therein in substance or in form, or for any variance between such information, complaint, or summons and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint as herein-after mentioned, but if any such variance shall appear to the police magistrate acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such magistrate, upon such terms as he shall think fit, to adjourn the hearing of the case to some future day.

In all cases where information shall be laid or complaint made of offences committed, magistrates may issue summons to persons to answer the same. How summons to be served.

No objection allowed for want of form.

2. If the person so served with a summons as aforesaid shall not be and appear before the police magistrate at the time and place mentioned in such summons, and it shall be made to appear to such magistrate, by oath or affirmation that such summons was so served, what shall be deemed by such magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate if he shall think fit, upon oath or affirmation being made before him substantiating the matter of such information or complaint to his satisfaction, to issue his warrant (B.) to apprehend the party so summoned, and to bring him before the said magistrate to answer to the said information or complaint, and to be further dealt with according to law, or upon such information being laid as aforesaid for any offence punishable on conviction, the police magistrate before whom such information shall have been laid may, if he shall think fit, upon oath or affirmation being made before him substantiating the matter of such information to his satisfaction, instead of issuing such summons as aforesaid, issue in the first instance his warrant (C.) for apprehending the person against whom such information shall have been so laid, and bringing him before the said magistrate to answer to the said information, and to be further dealt with according to law, or if where a summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such summons, then and in every

If summons be not obeyed magistrate may issue warrant.

such case if it be proved upon oath or affirmation to the said magistrate that such summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such magistrate to proceed *ex parte* to the hearing of such information or complaint, and to adjudicate thereon as fully and effectually to all intents and purposes as if such party had personally appeared before him in obedience to the said summons.

Form of warrant.

Where and how warrant may be executed. No objection allowed for want of form in the warrant, or any variance between it and evidence adduced, but if the party charged is deceived by the variance he may be committed or discharged upon recognizance ;

but if he fail to re-appear the magistrate may transmit the recognizance to the Clerk of the Crown.

Description of the property of partners, &c. ;

3. Every such warrant to apprehend a defendant that he may answer to any such information or complaint as aforesaid shall be under the hand and seal of the police magistrate issuing the same, and may be directed either to any constable or other person by name, or generally to all constables within the Island, and it shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the constables or other person to whom it is directed to apprehend the said defendant and to bring him before the said police magistrate to answer to the said information or complaint and to be further dealt with according to law, and it shall not be necessary to make such warrant returnable at any particular time, but the same shall remain in full force until it shall be executed, and such warrant may be executed by apprehending the defendant at any place within the Island; and in all cases where such warrant shall be directed to all constables or peace officers within the Island it shall be lawful for any constable or other peace officer for any city, town, division, parish, or other place within the Island, to execute such warrant in like manner as if such warrant were directed specially to such constable by name, and notwithstanding that the place in which such warrant shall be executed shall not be within the city, town, division, parish, or other place for which he shall be such constable or other peace officer: Provided always, that no objection shall be taken or allowed to any such warrant to apprehend a defendant so issued upon any such information or complaint as aforesaid under or by virtue of this Act for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the informant or complainant as herein-after mentioned, but if any such variance shall appear to the said police magistrate to be such that the party so apprehended under such warrant has been thereby deceived or misled, it shall be lawful for such magistrate, upon such terms as he shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit (D.) the said defendant to the common gaol or other prison, lock-up house, or place of security, or to such other custody as the said magistrate shall think fit, or to discharge him upon his entering into a recognizance (E.) with or without surety or sureties at the discretion of such magistrate conditioned for his appearance at the time and place to which such hearing shall be adjourned: Provided always, that in all cases where a defendant shall be discharged upon recognizance as aforesaid, and shall not appear at the time and place in such recognizance mentioned, then the police magistrate, upon certifying (F.) upon the back of the said recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said defendant.

4. In any information or complaint or the proceedings thereon in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named, and another or others, as the case may be, and whenever

in any information or complaint or the proceedings thereon it shall be necessary to mention for any purpose whatsoever any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in manner aforesaid; and whenever in any such information or complaint or the proceedings thereon it shall be necessary to describe the ownership of any work or building made, maintained, or repaired at the public expense, or of any materials for the making, altering, or repairing of the same, they may be therein described as the property of the inhabitants of this Island; and all goods provided by the guardians of the poor for the use of the poor may in any such information or complaint, or the proceedings thereon, be described as the goods of the guardians of the poor without naming them, and all property appropriated to the use of the poor may be described as the property of such guardians without naming them; and all materials and tools provided for the repairs of highways at the public expense may be therein described as the property of the commissioners of highways without naming them.

of the property of the public;

of the property of goods provided for the poor;

of the property in materials for roads.

5. Every person who shall aid, abet, counsel, or procure the commission of any offence which is or hereafter shall be punishable on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable on conviction to the same forfeiture and punishment as such principal offender is or shall be by law liable.

Prosecution and punishment of aiders and abettors in the commission of offences.

6. If it shall be made to appear to any police magistrate that any person is likely to give material evidence on behalf of the prosecutor or complainant or defendant, such magistrate may and he is hereby required to issue his summons (G. 1.) to such person under his hand and seal, requiring him to be and appear at a time and place mentioned in such summons before the police magistrate then and there being, to testify what he shall know concerning the matter of the said information or complaint; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said summons, and no just cause shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode,) it shall be lawful for the police magistrate before whom such person should have appeared to issue a warrant (G. 2.) under his hand and seal to bring and have such person at a time and place to be therein mentioned before the said police magistrate to testify as aforesaid; or if such police magistrate shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant (G. 3.) in the first instance; and if on the appearance of such person so summoned before such police magistrate either in obedience to the said summons or upon being brought before him by virtue of the said warrant, or if upon the voluntary appearance of any person and his being required by such police magistrate to make oath or affirmation as a witness, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation, shall refuse to answer such questions concerning the premises as shall then be put to him without offering any just excuse for such refusal, such police magistrate may by warrant (G. 4.) under his hand and seal commit the person so refusing to the common gaol, there to remain and be imprisoned for any time not exceeding fourteen days, unless he shall in the meantime consent to be examined and to answer concerning the premises.

Power of magistrate to summon witnesses to attend and give evidence.

If summons be not obeyed magistrate may issue warrant.

In certain cases may issue warrant in the first instance.

Persons appearing on summons, &c. refusing to be examined may be committed.

Complaints for an order need not be in writing.

As to proceedings upon information for offences punishable on summary convictions.

The party charged, if deceived by variation between information and evidence, may be committed or discharged upon recognizance ;

but if he fail to re-appear the magistrate may transmit the recognizance to the Clerk of the Crown.

Manner of making complaint or laying information.

Time limited for such complaint or information.

7. That in all cases of complaints upon which a police magistrate may make an order for the payment of money or otherwise, it shall not be necessary that such complaint shall be in writing, unless it shall be required to be so by some particular Act upon which such complaint shall be framed.

8. In all cases of information for any offence or act punishable upon summary conviction any variance between such information and the evidence adduced in support thereof as to the time at which such offence or act shall be alleged to have been committed shall not be deemed material, if it be proved that such information was in fact laid within the time limited by law for laying the same, and any variance between such information and the evidence adduced in support thereof as to the city, town, division, parish, or other place in which the offence or act shall be alleged to have been committed shall not be deemed material, provided that the offence or act be proved to have been committed within the jurisdiction of the police magistrate by whom such information shall be heard and determined ; and if any such variance, or any variance in any other respect between such information and the evidence adduced in support thereof, shall appear to such magistrate to be such that the party charged by such information has been thereby deceived or misled, it shall be lawful for such magistrate upon such terms as he shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit (D.) the said defendant to the common gaol or other prison, lock-up house, or place of security, or to such other custody as the said police magistrate shall think fit, or to discharge him upon his entering into a recognizance (E.) with or without surety or sureties at the discretion of such magistrate conditioned for his appearance at the time and place to which such hearing shall be so adjourned : Provided always, that in all cases where a defendant shall be discharged upon recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then the said magistrate, upon certifying (F.) upon the back of the said recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said defendant.

9. That every such complaint upon which a police magistrate is or shall be authorized by law to make an order, and that every information for any offence or act punishable upon summary conviction, unless some particular Act shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof, except in cases of informations, where the police magistrate receiving the same shall thereupon issue his warrant in the first instance to apprehend the defendant as aforesaid ; and in every such case where the said magistrate shall issue his warrant in the first instance the matter of such information shall be substantiated by the oath or affirmation of the informant, or by some witness on his behalf, before any such warrant shall be issued, and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every such information shall be for one offence only, and not for two or more offences, and every such complaint or information may be laid or made by the complainant or informant in person, or by his counsel or attorney, or other person authorized in that behalf.

10. That in all cases where no time is already or shall hereafter be specially limited for making any such complaint, or laying any such information, in the Act or Acts relating to each particular case, such complaint shall be made and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.

11. The room or place in which the police magistrate shall sit to investigate and determine any complaint or information shall be deemed an open and public court, to which the public generally may have access, so far as the same can conveniently contain them; and the party against whom such complaint is made or information laid shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf, and every complainant or informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf: Provided always, that any witness, whether he shall be examined or not, may in the presence of the said police magistrate, at the investigation of the said information or complaint, demand payment from the party on whose behalf he has been summoned to appear of the sum of one shilling for each day's attendance at the said investigation, and the sum ordered to be paid shall be allowed as costs in the complaint, or shall be paid by the party summoning such witness, according to the judgment or order of the said magistrate; and if any person shall wilfully insult any police magistrate sitting in such court, or shall commit any contempt of such court, it shall be lawful for such magistrate by any verbal order to direct such person to be taken into custody, and at any time before the rising of such court, by warrant under his hand and seal, to commit such person to the common gaol for any period not exceeding seven days, or to fine such person in any sum not exceeding forty shillings, which in case of non-payment may be levied in like manner as other fines and penalties.

12. If at the day and place appointed in and by the summons aforesaid for investigating and determining such complaint or information the defendant against whom the same shall have been made or laid shall not appear when called, the constable or other person who shall have served him with the summons in that behalf shall then declare upon oath in what manner he served the said summons, and if it shall appear to the satisfaction of the police magistrate then and there being that he duly served the said summons in that case the said magistrate may proceed to investigate and determine the case in the absence of such defendant, or the said magistrate, upon the non-appearance of such defendant as aforesaid, may if he think fit issue his warrant in manner herein-before directed, and shall adjourn the hearing of the said complaint or information until the said defendant shall be apprehended, and when such defendant shall be afterwards apprehended under such warrant he shall be brought before the said magistrate, who shall thereupon, either by his warrant (H.) commit such defendant to the common gaol or other prison, lock-up house, or place of security, or if he think fit verbally to the custody of the constable or other person who shall have apprehended him, or to such other safe custody as he shall deem fit, and order the said defendant to be brought up at a certain time and place before the police magistrate then and there being, of which said order the complainant or informant shall have due notice; or if upon the day and at the place so appointed as aforesaid such defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the said magistrate by virtue of any warrant, then if the complainant or informant, having had such notice as aforesaid, do not appear by himself, his counsel or attorney, the said magistrate shall dismiss such complaint or information, unless for some reason he shall think proper to adjourn the hearing of the same unto some other day upon such terms as he shall think fit, in which case the said magistrate may commit (D.) the defendant in the meantime to the common gaol or other prison, lock-up house, or place of security, or to such other custody as the said magistrate shall think fit, or may discharge him upon his entering into a recognizance

Places in which magistrate shall sit to hear complaints, &c. to be deemed an open court.

Parties allowed to plead by counsel or attorney.

Witness whether examined or not may demand payment for his attendance.

Any person wilfully insulting any magistrate sitting in court or who shall commit any contempt of court may be committed or fined.

If defendant does not appear magistrate may proceed to hear and determine, or issue warrant and adjourn the hearing till defendant is apprehended.

If defendant appear and complainant, &c. does not, magistrate may dismiss the complaint, &c. or at discretion adjourn hearing and commit or discharge defendant upon recognizance, but if he fail to appear the magistrate may transmit the recognizance to the Clerk of the Crown.

(E.) with or without surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place to which such hearing shall be so adjourned, and if such defendant shall not afterwards appear at the time and place mentioned in such recognizance, then the said magistrate, upon certifying (F.) on the back of the recognizance the non-appearance of the defendant, shall transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said defendant; but if both parties appear, either personally or by their respective counsel or attorneys, then the said magistrate shall proceed to investigate and determine such complaint or information.

If both parties appear
magistrate to hear
and determine the
case.

Proceedings on the
hearing of complaints
and informations.

13. That where such defendant shall be present at such hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he have any cause to show why he should not be convicted, or why an order should not be made against him, as the case may be, and if he thereupon admit the truth of such complaint or information, and show no cause or no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, then the said police magistrate shall convict him, or make an order against him accordingly; but if he do not admit the truth of such information or complaint as aforesaid, then the said magistrate shall proceed to hear the prosecutor or complainant, and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint respectively, and also to hear the defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such witnesses as the prosecutor or complainant may examine in reply, if such defendant shall have examined any witnesses or given any evidence other than as to his the defendant's general character; but the prosecutor or complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the prosecutor or complainant in reply as aforesaid; and the said magistrate having heard what each party shall have to say as aforesaid, and the witnesses and evidence so adduced, shall consider the whole matter, and determine the same, and shall convict or make an order upon the defendant, or dismiss the information or complaint, as the case may be, and if he convict or make an order against the defendant, or dismiss the complaint, a minute or memorandum thereof shall then be made in the record book of the police court or station in which such conviction, order, or dismissal shall be pronounced, and upon the dismissal of any information or complaint the said magistrate shall, if required so to do, give the defendant in that behalf a certificate thereof (L.), which said certificate afterwards upon being produced, without further proof, shall be a bar to any subsequent information or complaint for the same matters respectively against the same party: Provided always, that if the information or complaint in any such case shall negative any exemption, exception, proviso, or condition in the Statute or Act upon which the same shall be framed, it shall not be necessary for the prosecutor or complainant in that behalf to prove such negative, but the defendant may prove the affirmative thereof in his defence if he would have advantage of the same.

Proviso.

Prosecutors and complainants in certain cases to be deemed competent witnesses and examined upon oath.

14. That every prosecutor of any such information, not having any pecuniary interest in the result of the same, and every such prosecutor having a pecuniary interest in the result of the same, who under any Act or Acts is rendered a competent witness notwithstanding such interest, and every complainant in any such complaint as aforesaid, whatever his interest may be in the result of the

same, shall be a competent witness to support such information or complaint respectively, and every witness at any such hearing as aforesaid shall be examined upon oath or affirmation, and the police magistrate before whom any such witness shall appear for the purpose of being so examined shall have full power and authority to administer to every such witness the usual oath or affirmation.

15. That before or during such hearing of any such information or complaint it shall be lawful for the police magistrate in his discretion to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties or their respective attorneys or agents then present, and in the meantime the said magistrate may suffer the defendant to go at large, or may commit (D.) him in any case where a committal may now be made to the common gaol, or other prison, lock-up house, or place of security, or to such other safe custody as the said magistrate shall think fit, or may discharge such defendant upon his entering into a recognizance (E.), with or without surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place to which such hearing or further hearing shall be so adjourned; and if at the time or place to which such hearing or further hearing shall be so adjourned either or both of the parties shall not appear personally, or by his or their counsel or attorneys respectively, it shall be lawful for the said magistrate to proceed to such hearing or further hearing as if such party or parties were present, or if the prosecutor or complainant shall not appear the said magistrate may dismiss such information or complaint with or without costs, as to him shall seem fit: Provided always, that in all cases where a defendant shall be discharged on recognizance as aforesaid, and shall not afterwards appear at the time and place mentioned in such recognizance, then the said magistrate, upon certifying (F.) on the back of the recognizance the non-appearance of such accused party, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said defendant.

Power to magistrate to adjourn hearing of cases and commit defendant or suffer him to go at large, or discharge him upon his own recognizance; but if he fail to re-appear the magistrate may transmit the recognizance to the Clerk of the Crown.

16. That in all cases of conviction, where no particular form of such conviction is or shall be given by the Statute or Act creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Acts hitherto passed, whether any particular form of conviction have been therein given or not, it shall be lawful for the police magistrate who shall so convict to draw up his conviction on parchment or on paper in such one of the forms of conviction (J. 1. 3.) in the Schedule to this Act contained as shall be applicable to such case, or to the like effect, and where an order shall be made, and no particular form of order is or shall be given by the Statute or Act giving authority to make such order, and in all cases of orders to be made under the authority of any Acts hitherto passed, whether any particular form of order shall therein be given or not, it shall be lawful for the police magistrate by whom such order is to be made to draw up the same in such one of the forms of orders (K. 1. 3.) in the Schedule to this Act contained as may be applicable to such case or to the like effect; and in all cases where by any Statute or Act authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying any order of a police magistrate, the defendant shall be served with a copy of the minute of such order before any warrant of commitment or of distress shall issue in that behalf, and such order or minute shall not form any part of such warrant of commitment or of distress.

Forms of convictions and orders.

17. That in all cases of summary conviction or of orders made by a police magistrate it shall be lawful for the police magistrate making the same in his

Power of magistrate to award costs, which shall be specified in

conviction or order of dismissal, or may be recovered by distress.

discretion to award and order in and by such conviction or order that the defendant shall pay to the prosecutor or complainant respectively such costs as to such police magistrate shall seem just and reasonable in that behalf; and in cases where such police magistrate, instead of convicting or making an order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him in his discretion, in and by his order of dismissal, to award and order that the prosecutor or complainant respectively shall pay to the defendant such costs as to such police magistrate shall seem just and reasonable, and the sums so allowed for costs shall in all cases be specified in such conviction or order, or order of dismissal aforesaid, and the same shall be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such conviction or order is to be recoverable, and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of such distress by imprisonment, with or without hard labour, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Power of magistrate to issue warrant of distress.

18. That where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an order requires the payment of a sum of money, and by the statute or Act authorizing such conviction or order such penalty, compensation, or sum of money is to be levied upon the goods and chattels of the defendant by distress and sale thereof; also in cases where by the Statute or Act in that behalf the only mode of enforcing the payment of the same is at present by commitment to the common gaol; also in cases where and notwithstanding the Statute or Act by virtue of which a conviction for a penalty or compensation or an order for payment of money is made makes no provision for such penalty or compensation or sum being levied, but directs that if the sum be not paid forthwith, or within a certain time therein mentioned, or to be mentioned in such conviction or order, the defendant shall be imprisoned or imprisoned and kept to hard labour for a certain time unless such compensation or sum be sooner paid; and also in cases where by the Statute or Act in that behalf no mode of raising or levying such penalty, compensation, or sum of money, or of enforcing the payment of the same, is stated or provided, it shall be lawful for the police magistrate making such conviction or order to issue his warrant of distress (M. N.) for the purpose of levying the same, which said warrant of distress shall be in writing under the hand and seal of the police magistrate making the same: Provided always, that whenever it shall appear to such police magistrate that the issuing thereof would be ruinous to the defendant and his family, or wherever it shall appear by the confession of the defendant or otherwise that he hath no goods or chattels whereon to levy such distress, then and in every such case it shall be lawful for such police magistrate, if he deem it fit, instead of issuing such warrant of distress, to commit such defendant to the common gaol, there to be imprisoned, with or without hard labour, for such time and in such manner as by law such defendant might be so committed in case such warrant of distress had issued, and no goods or chattels could be found whereon to levy such penalty or sum and costs aforesaid.

Where the issuing a warrant of distress would be ruinous to the defendant or where there are no goods, justice may commit him to prison.

Magistrate after issuing warrant may suffer defendant to go at large, or order him into custody until return be made, unless he gives security by recognizance; but if he fail to reappear the magistrate

19. That in all cases where a police magistrate shall issue any warrant of distress it shall be lawful for him to suffer the defendant to go at large, or verbally or by a written warrant in that behalf, to order the defendant to be kept and detained in safe custody until return shall be made to such warrant of distress, unless such defendant shall give sufficient security, by recognizance or otherwise, to the satisfaction of such police magistrate for his appearance before him at the time and place appointed for the return of such warrant of distress: Provided always, that in all cases where a defendant shall give security by

recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then the said police magistrate, upon certifying (F.) on the back of the recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said defendant.

may transmit the
recognizance to the
Clerk of the Crown

20. That if at the time and place appointed for the return of any such warrant of distress the constable who shall have had the execution of the same shall return (N. 2.) that he could find no goods or chattels, or no sufficient goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of or occasioned by the levying of the same, it shall be lawful for the police magistrate before whom the same shall be returned to issue his warrant of commitment (N. 3.) under his hand and seal directed to the same or to any other constable, reciting the conviction or order shortly, the issuing of the warrant of distress, and the return thereto, and requiring such constable to convey such defendant to the common gaol, and there to deliver him to the keeper thereof, and requiring such keeper to receive the defendant into such gaol, and there to imprison him, or to imprison him and keep him to hard labour, in such manner and for such time as shall have been directed and appointed by the Statute or Act upon which the conviction or order mentioned in such warrant of distress was founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the defendant to prison, if such police magistrate shall think fit so to order, (the amount thereof being ascertained and stated in such commitment,) shall be sooner paid.

In default of suffi-
ciency of distress
magistrate may com-
mit defendant to
prison.

21. And whereas by some Acts justices of the peace are authorized to issue warrants of distress to levy penalties or other sums recovered before them by distress and sale of the offenders' goods, but no further remedy is thereby provided in case no sufficient distress be found whereon to levy such penalties: Be it therefore enacted, That in all such cases and in all cases where by the seven-teenth clause of this Act the police magistrates are authorized to issue warrants of distress, and in all cases of convictions or orders where the Statute or Act on which the same are respectively founded provides no remedy in case it shall be returned to a warrant of distress thereon that no sufficient goods of the party against whom such warrant shall have been issued can be found, it shall nevertheless be lawful for the police magistrate to whom such return is made, if he think fit, by his warrant as aforesaid, to commit the defendant to the common gaol, with or without hard labour, as aforesaid, for any term not exceeding three calendar months, unless the sum or sums adjudged to be paid, and all costs and charges of the distress and of the commitment, and conveying of the defendant to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

In all cases of penal-
ties, convictions, or
orders where the
Statute provides no
remedy in default of
distress, magistrate
may commit defendant
to prison.

22. That in all cases where the Statute or Act by virtue of which a conviction for a penalty or compensation or an order for the payment of money is made, makes no provision for such penalty or compensation or sum being levied by distress, but directs that if the same be not paid forthwith, or within a certain time therein mentioned, or to be mentioned in such conviction or order, the defendant shall be imprisoned, or imprisoned and kept to hard labour for a certain time, unless such penalty, compensation, or sum shall be sooner paid, in every such case such penalty, compensation, or sum shall, notwithstanding the provisions of the said Statute or Act, be levied by distress, should the police magistrate so adjudge; and when the police magistrate shall not deem it fit to adjudge the same to be levied by distress, then if the defendant do not pay the same,

Power to magistrate
to order commitment
in the first instance
for nonpayment of a
penalty or of a sum
ordered to be paid.

together with costs, if awarded, forthwith or at the time specified in such conviction or order for the payment of the same, it shall be lawful for the police magistrate making such conviction or order to issue his warrant of commitment (O. 1. 2.) under his hand and seal, requiring the constable or constables to whom the same shall be directed to take and convey such defendant to the common gaol, and there to deliver him to the keeper thereof, and requiring such keeper to receive such defendant into such gaol, and there to imprison him, or to imprison him and keep him to hard labour, as the case may be, for such time as the Statute or Act on which such conviction or order is founded as aforesaid shall direct, unless the sum or sums adjudged to be paid, and also the costs and charges of taking and conveying the defendant to prison, if such magistrate shall think fit so to order, shall be sooner paid.

Power to magistrate to order commitment where the conviction is not for a penalty nor the order for payment of money, and the punishment is by imprisonment, &c.

23. That where a conviction does not order the payment of any penalty, but that the defendant be imprisoned, or be imprisoned and kept to hard labour for his offence, or where an order is not for the payment of money, but for the doing of some other act, and directs that in case of the defendant's neglect or refusal to do such act he shall be imprisoned, or imprisoned and kept to hard labour, and the defendant neglects or refuses to do such act, in every such case it shall be lawful for such police magistrate making such conviction or order to issue his warrant of commitment (P. 1. 2.) under his hand and seal, and requiring the constable or constables to whom the same shall be directed to take and convey such defendant to the common gaol, and there to deliver him to the keeper thereof, and requiring such keeper to receive such defendant into such gaol, and there to imprison him, or to imprison him and keep him to hard labour, as the case may be, for such time as the Statute or Act on which such conviction or order is founded as aforesaid shall direct, and in all such cases where by such conviction or order any sum for costs shall be adjudged to be paid by the defendant to the prosecutor or complainant such sum may, if the police magistrate shall think fit, be levied by warrant of distress (P. 3. 4.) in manner aforesaid, and in default of distress the defendant may, if such police magistrate shall think fit, be committed (P. 5.) to the common gaol in manner aforesaid, there to be imprisoned for any time not exceeding one calendar month, to commence at the termination of the imprisonment he shall then be undergoing, unless such sum for costs, and all costs and charges of the said distress, and also the costs and charges of the commitment and conveying of the defendant to prison, if such police magistrate shall think fit so to order, shall be sooner paid.

Imprisonment for a subsequent offence to commence at expiration of that for previous offence.

24. That where a police magistrate shall upon any such information or complaint as aforesaid adjudge the defendant to be imprisoned, and such defendant shall then be in prison undergoing imprisonment upon a conviction for any other offence, the warrant of commitment for such subsequent offence shall in every such case be forthwith delivered to the gaoler to whom the same shall be directed, and it shall be lawful for the police magistrate issuing the same, if he shall think fit, to award and order therein and thereby that the imprisonment for such subsequent offence shall commence at the expiration of the imprisonment to which such defendant shall have been previously adjudged or sentenced.

If information be dismissed costs may be recovered by distress upon prosecutor, &c., who in default may be committed.

25. That where any information or complaint shall be dismissed with costs as aforesaid, the sum which shall be awarded for costs in the order for dismissal may be levied by distress (Q. 1.) on the goods and chattels of the prosecutor or complainant in manner aforesaid, and in default of distress or payment such prosecutor or complainant may be committed (Q. 2.) to the common gaol in manner aforesaid for any time not exceeding one calendar month, unless such

sum and all costs and charges of the distress, and of the commitment and conveying of such prosecutor or complainant to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

26. That in all cases where any person against whom a warrant of distress shall issue as aforesaid shall pay or tender to the constable having the execution of the same the sum or sums in such warrant mentioned, together with the amount of the expenses of such distress up to the time of such payment or tender, such constable shall cease to execute the same; and in all cases in which any person shall be imprisoned as aforesaid for nonpayment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he shall be so imprisoned the sum in the warrant of commitment mentioned, together with the amount of the costs, charges, and expenses, if any, therein also mentioned, and the said keeper shall receive the same, and shall thereupon discharge such person, if he be in his custody for no other matter.

On payment of penalty, &c. distress not to be levied, or the party if imprisoned for nonpayment shall be discharged.

27. That in every warrant of distress to be issued as aforesaid, the constable or other person to whom the same shall be directed shall be thereby ordered to pay the amount of the sum to be levied thereunder to the police clerk or officer in charge of the station in the parish in which the police magistrate issuing such warrant shall be acting, and if any person convicted of any penalty, or ordered by the said police magistrate to pay any sum of money, shall pay the same to any constable or other person, such constable or other person shall forthwith pay the same to such clerk or officer; and if any person committed to prison upon any conviction or order as aforesaid for nonpayment of any penalty, or of any sum thereby ordered to be paid, shall desire to pay the same and costs before the expiration of the time for which he shall be so ordered to be imprisoned by the warrant for his commitment, he shall pay the same to the gaoler or keeper of the prison in which he shall be so imprisoned, and such gaoler or keeper shall forthwith pay the same to the said clerk or officer; and all sums so received by the said clerk or officer shall forthwith be paid by such clerk or officer to the party or parties to whom the same respectively are to be paid, according to the directions of the Statute or Act on which the information or complaint in that behalf shall have been framed, and if such Statute or Act shall contain no such directions for the payment thereof to any person or persons, then such clerk or officer shall pay the same to the Treasurer of the Island and for which such Treasurer shall give a receipt, and such clerk, officer, and gaoler, or keeper of a prison, shall keep a true and exact account of all such monies received by him, of whom and when received, and to whom and when paid, in the form (T.) in the Schedule to this Act annexed, or to the like effect, and shall once in every month render a fair copy of every such account unto the police magistrates, on or next after the first day of every month, under the penalty of forty shillings, to be recovered by distress in manner aforesaid; and the said clerk, officer, and keeper shall send or deliver every return so made by them respectively as aforesaid to the Clerk of the Crown at such times as the said police magistrate shall order in that behalf.

Regulations as to whom penalties, &c. to be paid.

28. It shall be lawful for any person who shall think himself aggrieved by Appeal, any summary conviction or order of any police magistrate in which the sum or penalty adjudged to be paid shall be more than forty shillings, or in which the term of imprisonment ordered shall be more than thirty days, or in case of the dismissal of the complaint in which the sum claimed, or penalty sought to be recovered, or other matter in dispute, shall exceed in value forty shillings, to appeal from such summary conviction, order, or dismissal to the next Court of Queen's Bench which shall be holden not less than ten days after the day of such conviction, order, or dismissal; provided that such person shall give to

the police magistrate pronouncing such conviction, order, or dismissal, and to the complainant or defendant respectively, a notice in writing of such appeal and of the cause and matter thereof within three days after such conviction, order, or dismissal, and seven days before the sitting of the Court of Queen's Bench, and shall also either remain in custody until the hearing of the said appeal, where imprisonment is ordered, or enter into a recognizance, with two sufficient sureties, before a police magistrate, conditioned to appear at the said Court of Queen's Bench to try such appeal and to abide the judgment of the said court, and to pay such costs as shall be by the said court awarded; and upon such notice being given and recognizance entered into the police magistrate who shall take such recognizance, shall, by order under his hand and seal, direct the liberation of such person, if in custody, and the police magistrate against whose conviction, order, or dismissal an appeal is to be prosecuted shall forward to the Clerk of the Crown at least three days before the hearing of the said appeal the conviction, order, or dismissal appealed against, and also a certified copy of the depositions taken in the matter of such conviction, order, or dismissal; and it shall be lawful for the police magistrate by whom such conviction, order, or dismissal shall have been made to bind over the witnesses who shall have been examined, in sufficient recognizances, to attend and be examined at the hearing of such appeal: Provided always, that the appellant or respondent shall, if the same be demanded at the hearing of the said appeal, pay to the witness or witnesses appearing on his behalf such compensation for his or their time, trouble, and expenses in attending such appeal as to the said court shall seem just and reasonable, and the sum so awarded shall be allowed to the appellant or respondent as costs in the appeal according to the judgment of the court.

Court of Queen's Bench to hear and determine all causes and matters of appeal.

Justice may issue warrant of distress for execution of the same.

Costs of appeal how recovered.

Court of Queen's Bench to establish table of costs to be payable by appellants or respondents in appeal.

Complaints not prosecuted, or made without sufficient grounds, magistrate may award amends.

29. The Court of Queen's Bench shall, subject to the provisions herein-before made, proceed to hear and determine the causes and matters of all such appeals, and to make such absolute and final order therein respectively, with or without costs to either party, as to the said court shall seem meet, and if any such appeal shall be decided in favour of the respondent, the police magistrate who made the conviction or order may issue his warrant of distress or commitment for execution of the same as if no such appeal had been brought; and if upon any such appeal the said court shall order either party to pay costs, such order shall direct such costs to be paid within a limited time to the clerk of the Crown, to be by him paid over to the party entitled to the same, and if the same shall not be paid within the time so limited the said Clerk of the Crown shall grant to the party entitled to such costs a certificate that such costs have not been paid; and upon production of such certificate (R.) it shall be lawful for any police magistrate to enforce the payment of such costs by warrant of distress (S. 1.), and in default of distress he may commit (S. 2.) the party against whom such warrant shall have issued for any time not exceeding three calendar months, unless the amount of such costs and all costs and charges of the distress, and also the costs of the commitment and conveying of the said party to prison, the amount thereof being ascertained and stated in such commitment, shall be sooner paid; and it shall be lawful for the said Court of Queen's Bench from time to time to establish a table of costs to be payable by the appellant or respondent, as the case may be, and from time to time to alter and amend the same as the said court shall think fit.

30. That in every case in which any information or complaint of any offence shall be laid or made before any police magistrate and shall not be further prosecuted, or in which if further prosecuted it shall appear to the magistrate by whom the case shall be heard that there was no sufficient ground for making

the charge, such police magistrate shall have power to award such amends, not more than the sum of five pounds, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the said magistrate shall seem meet.

31. That the following sums shall be charged and payable upon proceedings taken and had before any police magistrate; that is to say,

For entering an information or complaint, one shilling:

For every summons to a defendant, one shilling:

For every summons to a witness, one shilling:

For every warrant, except a warrant of distress, two shillings:

For every warrant of distress, four shillings:

And it shall be lawful for such magistrate to order any complaint or information to be entered, or any summons to a defendant or a witness, or any warrant, to be issued free of charge, if he shall consider it expedient so to do: Provided always, that any preliminary investigation upon information or complaint of any indictable offence shall be conducted without charge; and any information or complaint by a police officer or other constable in the discharge of his public duty shall be conducted without charge.

32. The several forms in the Schedule to this Act contained, or forms to the like effect, shall be deemed good, valid, and sufficient in law.

33. It shall be the exclusive duty of a police magistrate to investigate and determine all charges and complaints lodged at any police station, and any police magistrate may sit and act for another of such magistrates, and it shall be lawful for such magistrates respectively to do and perform, as well within as without their several districts, all other acts in relation to their magisterial duties; but all and singular the powers and authorities heretofore vested in and exercised by justices in the general commission of the peace shall continue and may be exercised by such justices, save and except the investigation and adjudication of complaints lodged at the several police stations, which shall be investigated and adjudicated upon by a police magistrate.

34. Every police magistrate shall have full power to do alone any act which by any law now in force, or by any law not containing any express enactment to the contrary hereafter to be passed, is or shall be directed to be done by more than one justice.

35. All Acts or parts of Acts which are inconsistent with the provisions of this Act shall be and the same are hereby repealed.

Charges payable upon proceedings on summary convictions. No. 117, s. 12.

Forms in the schedule deemed valid.

Exclusive duty of police magistrate to investigate and determine all charges lodged at police stations.

Power and duties of justices of the peace.

SCHEDULE.

A.—ANTIGUA.

SUMMONS to the DEFENDANT upon an INFORMATION or COMPLAINT.

To A.B. of labourer.

Whereas information hath this day been laid (or complaint hath this day been made) before me police magistrate, for that you (*here state shortly the matter of the information or complaint*): These are therefore to command you in Her Majesty's name to be and appear on at o'clock in the forenoon at before me or any other police magistrate, then and there being to answer the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal this day of In the year of our Lord at in the Island aforesaid.

J.S. (L.S.)
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B.—ANTIGUA.

WARRANT where the Summons is disobeyed.

To any Constable and to all other Peace Officers for the said Island.

Whereas on last past information was laid (or complaint was made) before the undersigned police magistrate for the parish of for that *A.B.* (*§c., as in the summons*): And whereas I issued my summons unto the said *A.B.* commanding him in Her Majesty's name to be and appear on at o'clock in the forenoon at before the police magistrate then and there being, to answer to the said information (or complaint), and to be further dealt with according to law: And whereas the said *A.B.* hath neglected to be and appear at the time and place so appointed in and by the said summons, although it hath now been proved to me upon oath that the said summons hath been duly served upon the said *A.B.*: These are therefore to command you in Her Majesty's name forthwith to apprehend the said *A.B.*, and to bring him before me or some other police magistrate to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal this day of in the year of our Lord one thousand eight hundred and sixty at in the Island aforesaid.

J.S. (L.S.)

C.—ANTIGUA.

WARRANT in the first instance.

To any Constable and to all other Peace Officers for the said Island.

Whereas information hath this day been laid before the undersigned police magistrate in and for the parish of for that *A.B.* (*here state shortly the matter of the information*), and oath being now made before me substantiating the matter of such information: These are therefore to command you in Her Majesty's name forthwith to apprehend the said *A.B.*, and to bring him on at o'clock to before the police magistrate then and there being, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

D.—ANTIGUA.

WARRANT of COMMITTAL for Safe Custody during an Adjournment of the Hearing.

To *W.T.* Constable of and the Keeper of the Common Gaol.

Whereas on last past information was laid (or complaint was made) before police magistrate, for that (*§c., as in the summons*): And whereas the hearing of the same is adjourned to the day of instant, at o'clock in the forenoon, at and it is necessary that the said *A.B.* should in the meantime be kept in safe custody: These are therefore to command you the said constable, in Her Majesty's name forthwith to convey the said *A.B.* to the common gaol and there deliver him into the custody of the keeper thereof, together with this precept; and I hereby command you the said keeper to receive the said *A.B.* into your custody in the said common gaol, and there safely keep him until the day of instant, when you are hereby required to convey and have him the said *A.B.* at the time and place to which the said hearing is so adjourned as aforesaid before the police magistrate then and there being, to answer further to the said information (or complaint) and to be further dealt with according to law.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

E.—RECOGNIZANCE for the Appearance of the Defendant where the Case is adjourned or not at once proceeded with.

Be it remembered, that on *A.B.*, of (labourer), and *L.M.*, of (grocer), personally came before police magistrate, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say, the said *A.B.* the sum of and the said *L.M.* the sum of of good and lawful money of Great Britain to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her heirs and successors, if he the said *A.B.* shall fail in the condition underwritten.

Taken and acknowledged the day and year first above-mentioned at before me

J.S.

The condition of the above written recognizance is such that if the said *A.B.* shall personally appear on the day of instant, at o'clock in the forenoon, at before the police magistrate then and there being, to answer further to the information (or complaint) of *C.D.* exhibited against the said *A.B.*, and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

ANTIGUA.

NOTICE of such RECOGNIZANCE to be given to the Defendant and his Surety.

Take notice that you *A.B.* are bound in the sum of and you *L.M.* in the sum of that you *A.B.* appear personally on at o'clock in the forenoon, at before the police magistrate then and there being, to answer further to a certain information (or complaint) of *C.D.*, the further hearing of which was adjourned to the said time and place, and unless you appear accordingly the recognizance entered into by you *A.B.* and by *L.M.* as your surety will forthwith be levied on you and him.

Dated this day of 18 . *J.S.*

F.—ANTIGUA.

CERTIFICATE of NON-APPEARANCE to be endorsed on the Defendant's Recognizance.

I hereby certify that the said *A.B.* hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J. S.

G. 1.—ANTIGUA.

SUMMONS of a WITNESS.

To *E.F.* of in the said Island of Antigua.

Whereas information was laid (or complaint was made) before police magistrate, for that (*§c., as in the summons*), and it hath been made to appear to me police magistrate, that you are likely to give material evidence on behalf of the (prosecutor or complainant or defendant) in this behalf: These are therefore to require you to be and appear on at o'clock in the forenoon at before the police magistrate then and there being, to testify what you shall know concerning the matter of the said information (or complaint).

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (*L.S.*)

G. 2.—WARRANT where a Witness has not obeyed a Summons.

To any Constable and to all other Peace Officers of the said Island.

Whereas information was laid (or complaint was made) before police magistrate, for that (*§c., as in the summons*), and it having been made to appear to me

that *E.F.* of in the said Island (labourer), was likely to give material evidence on behalf of the (prosecutor), I did duly issue my summons to the said *E.F.* requiring him to be and appear on at o'clock in the forenoon of the same day at before the police magistrate then and there being to testify what he should know concerning the said *A.B.* or the matter of the information (or complaint): And whereas proof hath this day been made before me police magistrate upon oath of such summons having been duly served upon the said *E.F.*: And whereas the said *E.F.* hath neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect: These are therefore to command you to take the said *E.F.*, and to bring and have him on at o'clock in the forenoon at before the police magistrate then and there being, to testify what he shall know concerning the matter of the said information (or complaint).

Given under my hand and seal this day of in the year of our
 Lord at in the Island aforesaid. J.S. (L.S.)

G. 3.—ANTIGUA.

WARRANT for a Witness in the first instance.

To any Constable and to all other Peace Officers in the said Island.

Whereas information was laid (or complaint was made) before the undersigned police magistrate, for that (*&c.*, as in the summons), and it being made to appear before me that *E.F.* of (labourer) is likely to give material evidence on behalf of the (prosecutor) in this matter, and it is probable that the said *E.F.* will not attend to give evidence without being compelled so to do: These are therefore to command you to bring and have the said *E.F.* on at o'clock in the forenoon at before the police magistrate then and there being, to testify what he shall know concerning the matter of the said information (or complaint).

Given under my hand and seal this day of in the year of our
 Lord at in the Island aforesaid. J.S. (L.S.)

G. 4.—ANTIGUA.

COMMITMENT of a WITNESS for refusing to be sworn or to give Evidence.

To any Constable and to the Keeper of the Common Gaol of the said Island.

Whereas information was laid (or complaint was made) before police magistrate, for that (*&c.*, as in the summons), and one *E.F.* now appearing before the undersigned police magistrate on at and being required to make oath or affirmation as a witness in that behalf, hath now refused so to do (or being now here duly sworn as a witness in the matter of the said information (or complaint) doth refuse to answer certain questions concerning the premises which are now here put to him), without offering any just excuse for such his refusal: These are therefore to command you the said constable to take the said *E.F.* and him safely convey to the common gaol and there deliver him to the said keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *E.F.* into your custody in the said common gaol and there imprison him for such his contempt for the space of days, unless he shall in the meantime consent to be examined and to answer concerning the premises; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this day of in the year of our
 Lord at in the Island aforesaid. J.S. (L.S.)

H.—ANTIGUA.

WARRANT to remand a Defendant when apprehended.

To any Constable and to the Keeper of the Common Gaol of the said Island.

Whereas information was laid (or complaint was made) before police magistrate, for that (*§c.*, as in the summons or warrant): And whereas the said *A.B.* hath been apprehended under and by virtue of a warrant upon such information (or complaint), and is now brought before me police magistrate: These are therefore to command you the said constable in Her Majesty's name forthwith to convey the said *A.B.* to the common gaol and there to deliver him to the said keeper thereof, together with this precept; and I do hereby command you the said keeper to receive the said *A.B.* into your custody in the said common gaol and there safely keep him until next the day of instant, when you are hereby commanded to convey and have him at o'clock in the forenoon of the same day before the police magistrate then and there being, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

I. 1.—ANTIGUA.

CONVICTION for a Penalty to be levied by Distress, and in default of sufficient Distress Imprisonment.

Antigua. } Be it remembered, That on the day of in the year to wit. } of our Lord in the said Island *A.B.* is convicted before the undersigned police magistrate, in and for the parish of for that the said *A.B.* (*§c.*, stating the offence, and the time and place when and where committed), and I adjudge the said *A.B.* for his said offence to forfeit and pay the sum of (stating the penalty, and also the compensation, if any,) to be paid and applied according to law, and also to pay the said *C.D.* the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (or on or before next*) I order that the same be levied by distress and sale of the goods and chattels of the said *A.B.*, and in default of sufficient distress* I adjudge the said *A.B.* to be imprisoned in the common gaol of the said Island (there to be kept to hard labour) for the space of unless the said several sums, and all costs and charges of the said distress (and of the commitment and conveying of the said *A.B.* to the said common gaol) shall be paid.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

* Or where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * * say, "then inasmuch as it hath now been made to appear to (me) (that the issuing of a warrant of distress in this behalf would be ruinous to the said *A.B.* and his family," or "that the said *A.B.* hath no goods or chattels whereon to levy the said sums by distress), I adjudge," *§c.*, as above to the end.

I. 2.—ANTIGUA.

CONVICTION for a Penalty, and in default of Payment Imprisonment.

Be it remembered, That on the day of in the year to wit. } of our Lord at in the said Island, *A.B.* is convicted before the undersigned police magistrate, for that (he the said *A.B.* *§c.* (stating the offence, and the time and place when and where it was committed), and

(I) adjudge the said *A.B.* for his said offence to forfeit and pay the sum of *(stating the penalty and also the compensation, if any)* to be paid and applied according to law, and also to pay the said *C.D.* the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith *(or on or before next)* (I) adjudge the said *A.B.* to be imprisoned in the common gaol of the said Island (and there to be kept to hard labour) for the space of _____ unless the said several sums, (and the costs and charges of conveying the said *A.B.* to the said common gaol), shall be sooner paid.

Given under my hand and seal this _____ day of _____ in the year of
our Lord _____ at _____ in the Island aforesaid. J.S. (L.S.)

I. 3.—ANTIGUA.

CONVICTION when the Punishment is by Imprisonment.

Be it remembered, That on the _____ day of _____ in the year of our Lord _____ in the said Island, *A.B.* is convicted before me the undersigned police magistrate, for that (he the said *A.B.* &c., *stating the offence and the time and place when and where committed*), and I adjudge the said *A.B.*, for his said offence to be imprisoned in the common gaol of the said Island and there kept to hard labour for the space of _____, and I also adjudge the said *A.B.* to pay the said *C.D.* the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith *(or on or before next)*, then* I order that the said sum be levied by distress and sale of the goods and chattels of the said *A.B.*, and in default of sufficient distress in that behalf* I adjudge the said *A.B.* to be imprisoned in the said common gaol and there kept to hard labour for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand and seal this _____ day of _____ in the year of
our Lord _____ at _____ in the Island aforesaid. J.S. (L.S.)

* *Or where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * *, say, "inasmuch as it hath now been made " to appear to me that the issuing of a warrant of distress in this behalf would be " ruinous to the said *A.B.* and his family," or "that the said *A.B.* hath no goods " or chattels whereon to levy the said sum for costs by distress, I adjudge," &c.*

K. 1.—ANTIGUA.

ORDER for Payment of Money to be levied by Distress and in default of Distress Imprisonment.

Be it remembered, That on _____ complaint was made before the undersigned police magistrate, for that *(stating the facts entitling the complainant to the order, with the time and place when and where they occurred)*, and now at this day, to wit, on _____ at _____ the parties aforesaid appear before the undersigned police magistrate *(or the said *A.B.* appears before the undersigned, but the said *A.B.*, although duly called, doth not appear by himself, his counsel, or attorney, and it is now satisfactorily proved to me on oath that the said *A.B.* has been duly served with the summons in this behalf, which required him to be and appear here at this day before such police magistrate for the said Island as should now be here, to answer the said complaint, and to be further dealt with according to law)*; and now having heard the matter of the said complaint, I do adjudge the said *A.B.* to pay to the said *C.D.* the sum of _____ forthwith, or on or before _____ next *(or as the statute may require)*, and also to pay to the said *C.D.* the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith *(or on or*

before next),* I hereby order that the same be levied by distress and sale of the goods and chattels of the said *A.B.*, and in default of sufficient distress in that behalf* I adjudge the said *A.B.* to be imprisoned in the common gaol of the said Island (and there kept to hard labour) for the space of , unless the said several sums, and all costs and charges of the said distress (and of the commitment and conveying the said *A.B.* to the said common gaol), shall be sooner paid.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

* *Or where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the * *, say, "then inasmuch as it hath now been made to " appear to the undersigned (that the issuing of a warrant of distress in this behalf " would be ruinous to the said *A.B.* and his family," or "that the said *A.B.* hath " no goods or chattels whereon to levy the said sums by distress); I adjudge," &c.*

K. 2.—ANTIGUA.

ORDER for Payment of Money, and in default of Payment Imprisonment.

Be it remembered that on complaint was made before the to wit. } undersigned police magistrate, for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on at the parties aforesaid appear before the undersigned (or the said *C.D.* appears before the undersigned, but the said *A.B.*, although duly called, doth not appear by himself, his counsel, or attorney, and it is now satisfactorily proved to the undersigned on oath that the said *A.B.* has been duly served with the summons in this behalf, which required him to be and appear here on this day, before such police magistrate for the said Island as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said *A.B.* to pay to the said *C.D.* the sum of forthwith (or on or before next, or as the Act may require), and also to pay to the said *C.D.* the sum of , for his costs in this behalf; and if the said several sums be not paid forthwith (or on or before next), I adjudge the said *A.B.* to be imprisoned in the common gaol of the said Island (there to be kept to hard labour) for the space of , unless the said several sums (and the costs and charges of conveying the said *A.B.* to the said common gaol) shall be sooner paid.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

K. 3.—ANTIGUA.

ORDER for any other Matter where the disobeying of it is punishable with Imprisonment.

Be it remembered that on complaint was made before the to wit. } undersigned police magistrate, for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on at , the parties aforesaid appear before the undersigned (or the said *C.D.* appears before the undersigned, but the said *A.B.*, although duly called, doth not appear by himself, his counsel, or attorney, and it is now satisfactorily proved to me on oath that the said *A.B.* has been duly served with the summons in this behalf, which required him to be and appear here at this day before such police magistrate as should now be here, to answer the said complaint, and to be further dealt with according to law); and now, having heard the matter of the said complaint, I do therefore adjudge the said *A.B.* to (*here state the matter required to be done*), and if upon a copy of a minute of this order being served upon the said *A.B.* either personally or by leaving the same for him at his last or most usual place

of abode, he shall neglect or refuse to obey the same, in that case I adjudge the same *A.B.* for such his disobedience to be imprisoned in the common gaol of the said Island (there to be kept to hard labour) for the space of , (unless the said order be sooner obeyed, *if the statute authorize this*) ; and I do also adjudge the said *A.B.* to pay to the said *C.D.* the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith (*or on or before* next), I order the same to be levied by distress and sale of the goods and chattels of the said *A.B.* (and in default of sufficient distress in that behalf I adjudge the said *A.B.* to be imprisoned in the said common gaol (and there kept to hard labour) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs be sooner paid.

Given under my hand and seal this day of in the year of our
 Lord at in the Island aforesaid.
 J.S. (L.S.)

L.—ANTIGUA.

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (*or complaint*) preferred by *C.D.* against *A.B.*, for that (*as in the summons*) was this day considered by the undersigned and was by me dismissed (with costs).

Dated this day of 18 .
 J.S.

M.—ANTIGUA.

WARRANT OF DISTRESS upon a Conviction for a Penalty.

To any Constable and to all other Peace Officers of the said Island.

Whereas *A.B.*, late of (labourer) was on this day (*or on last past*) duly convicted before police magistrate, for that (*stating the offence as in the conviction*), and it was thereby adjudged that the said *A.B.* should for such his offence forfeit and pay (*as in the conviction*), and should also pay to the said *C.D.* the sum of for his costs in that behalf ; and it was thereby ordered that if the said several sums should not be paid (forthwith) the same should be levied by distress and sale of the goods and chattels of the said *A.B.* ; and it was thereby also adjudged that in default of sufficient distress the said *A.B.* should be imprisoned in the common gaol in the said Island (and there kept to hard labour) for the space of , unless the said sums and all costs and charges of the said distress and of the commitment and conveying of the said *A.B.* to the said common gaol should be sooner paid : * And whereas the said *A.B.* being so convicted as aforesaid, and being (now) required to pay the said sums of and , hath not paid the same or any part thereof, but herein hath made default : These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said *A.B.*, and if within the space of days next after the making of such distress the said sums, together with the reasonable charge of taking and keeping the distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising by such sale unto the police clerk or officer in charge of the station in the parish in which the police magistrate issuing such warrant shall be acting, that he may pay and apply the same as by law is directed, and may render the overplus, if any, on demand to the said *A.B.* ; and if no such distress can be found then that you certify the same on at to the police magistrate then and there being, to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under my hand and seal this day of in the year of our
 Lord at in the Island aforesaid.
 J.S. (L.S.)

N. 1.—ANTIGUA.

WARRANT OF DISTRESS upon an Order for the Payment of Money.

To any Constable of the said Island and to all other Peace Officers.

Whereas on last past, a complaint was made before police magistrate, for that (*§c., as in the order*), and afterwards, to wit, on at the said parties appeared before the police magistrate then and there being, and thereupon having considered the matter of the said complaint, he adjudged the said *A.B.* to pay to the said *C.D.* the sum of on or before the then next, and also to pay to the said *C.D.* the sum of for his costs in that behalf; and he thereby ordered that if the said several sums should not be paid on or before the said then next, the same should be levied by distress and sale of the goods and chattels of the said *A.B.*, and it was adjudged that in default of sufficient distress in that behalf the said *A.B.* should be imprisoned in the common gaol in the said Island (and there kept to hard labour) for the space of , unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said *A.B.* to the common gaol) should be sooner paid :* And whereas the time in and by the said order appointed for the payment of the said several sums of and hath elapsed, but the said *C.D.* hath not paid the same or any part thereof, but therein hath made default : These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said *A.B.*, and if within the space of days after the making of such distress the said last-mentioned sums, with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto the police clerk or officer in charge of the station in the parish in which the police magistrate issuing such warrant shall be acting, that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said *A.B.* ; and if no such distress can be found then that you certify the same on at to the police magistrate then and there being, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

N. 2.—ANTIGUA.

CONSTABLE'S RETURN to a Warrant of Distress.

I, *W.S.*, constable of in the said Island, do hereby certify to police magistrate, that by virtue of this warrant I have made diligent search for the goods and chattels of the within-mentioned *A.B.*, and that I can find no sufficient goods or chattels of the said *A.B.* whereon to levy the sums within mentioned.

Witness my hand this day of 18

W.S.

N 3.—ANTIGUA.

WARRANT OF COMMITMENT for want of Distress.

To any Constable of the said Island and to the Keeper of the Common Gaol.

Whereas (*§c., as in either of the foregoing distress warrants M. and N. to the asterisk, and then thus*) And whereas afterwards on the day of in the year aforesaid police magistrate issued a warrant to any constable of the said Island commanding him to levy the said sums of and by distress and sale of the goods and chattels of the said *A.B.*: And whereas it appears to me, as well by the return of the said constable to the said warrant of distress as otherwise that the said constable hath made diligent search for the goods and chattels of the said *A.B.*, but that no sufficient distress whereon to levy the sums above mentioned could be found : These are therefore to command you the said constable to

take the said *A.B.*, and him safely to convey to the common gaol aforesaid and there deliver him to the said keeper, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and to keep him to hard labour) for the space of _____ unless the said several sums and all the costs and charges of the said distress (and of the commitment and conveying of the said *A.B.* to the said common gaol) amounting to the further sum of _____ shall be sooner paid unto you the said keeper, and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the Island aforesaid.

J.S. (L.S.)

O. 1.—ANTIGUA.

WARRANT of COMMITMENT upon a Conviction for a Penalty in the first instance.

To any Constable of the said Island and to the Keeper of the Common Gaol.

Whereas *A.B.* late of _____ (labourer) was on this day duly convicted before police magistrate, for that (*stating the offence as in the conviction*), and it was thereby adjudged that the said *A.B.* for his said offence should forfeit and pay the sum of (*&c., as in the conviction*), and should pay to the said *C.D.* the sum of _____ for his costs in that behalf; and it was thereby further adjudged that if the said several sums should not be paid forthwith, the said *A.B.* should be imprisoned in the common gaol in the said Island (and there kept to hard labour) for the space of _____ unless the said several sums (and the costs and charges of conveying the said *A.B.* to the said common gaol) should be sooner paid: And whereas the time in and by the said conviction appointed for the payment of the said several sums hath elapsed, but the said *A.B.* hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you the said constable to take the said *A.B.* and him safely to convey to the common gaol and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ unless the said several sums (and the costs and charges of conveying him to the said common gaol, amounting to the further sum of _____) shall be sooner paid, and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the Island aforesaid.

J.S. (L.S.)

O. 2.—ANTIGUA.

WARRANT of COMMITMENT on an Order in the first instance.

To any Constable of the said Island and to the Keeper of the Common Gaol in the said Island.

Whereas on _____ last past complaint was made before _____ police magistrate, for that (*&c., as in the order*), and afterwards, to wit, on _____ at _____ the parties appeared before _____ police magistrate (*or as it may be in the order*) and thereupon having considered the matter of the said complaint, he adjudged the said *A.B.* to pay to the said *C.D.* the sum of _____ on or before the _____ day of _____ then next, and also to pay to the said *C.D.* the sum of _____ for his costs in that behalf; and he thereby also adjudged that if the said several sums should not be paid on or before the _____ day of _____ then next the said *A.B.* should be imprisoned in the common gaol (and there kept to hard labour) for the space of _____ unless the said several sums (and the costs and charges of conveying the said *A.B.* to the said common gaol) should be sooner paid: And whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said *A.B.* hath not paid the same or any part thereof, but therein hath made default: These are therefore to command

you the said constable to take the said *A.B.* and him safely convey to the said common gaol, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ unless the said several sums and the costs and charges of conveying him to the said common gaol, amounting to the further sum of _____ shall be sooner paid unto you the said keeper, and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our
 Lord _____ at _____ in the Island aforesaid.

J.S. (L.S.)

P. 1.—ANTIGUA.

WARRANT of COMMITMENT on a Conviction where the Punishment is by Imprisonment.

To any Constable of the said Island and to the Keeper of the Common Gaol in the said Island.

Whereas *A.B.* late of _____ (labourer) was this day duly convicted before me police magistrate, for that (*stating the offence as in the conviction*) and it was thereby adjudged that the said *A.B.* for his said offence should be imprisoned in the common gaol in the said Island (and there kept to hard labour) for the space of _____ : These are therefore to command you the said constable to take the said *A.B.* and him safely to convey to the common gaol, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our
 Lord _____ at _____ in the Island aforesaid.

J.S. (L.S.)

P. 2.—ANTIGUA.

WARRANT of COMMITMENT on an Order where the disobeying of it is punishable by Imprisonment.

To any Constable of the said Island and to the Keeper of the Common Gaol.

Whereas on _____ last past, complaint was made before _____ police magistrate, for that (*as in the order*) and afterwards, to wit, on _____ at _____ the said parties appeared before _____ police magistrate (*or as it may be in the order*), and thereupon having considered the matter of the said complaint, he adjudged the said *A.B.* to (*§c., as in the order*), and that if upon a copy of the minute of that order being duly served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual place of abode, he should neglect or refuse to obey the same, it was adjudged that in such case the said *A.B.* for such his disobedience should be imprisoned in the common gaol (and there kept to hard labour) for the space of _____ (unless the said order should be sooner obeyed): And whereas it is now proved to me _____ police magistrate, that after the making of the said order a copy of the minute thereof was duly served upon the said *A.B.*, but he then refused or neglected to obey the same, and hath not as yet obeyed the said order: These are therefore to command you the said constable to take the said *A.B.*, and him safely to convey to the common gaol, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ and for so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our
 Lord _____ at _____ in the Island aforesaid.

J.S. (L.S.)

P. 3.—ANTIGUA.

WARRANT of DISTRESS for Costs upon a Conviction where the Offence is punishable by Imprisonment.

To any Constable or other Peace Officer of the said Island.

Whereas *A.B.* of (labourer) was on last past duly convicted before police magistrate, for that (*stating the offence as in the conviction*) and it was thereby adjudged that the said *A.B.* for his said offence should be imprisoned in the common gaol of the said Island (and there kept to hard labour) for the space of ; and it was also thereby adjudged that the said *A.B.* should pay to the said *C.D.* the sum of for his costs in that behalf; and it was thereby ordered that if the said sum of for costs should not be paid (forthwith) the same should be levied by distress and "sale of the goods and chattels of the said *A.B.* (and it was adjudged that in default of sufficient distress in that behalf the said *A.B.* should be imprisoned in the said common gaol (and there kept to hard labour) for the space of to commence at and from the termination of his imprisonment aforesaid unless the said sum for costs, and all costs and charges of the said distress and of the commitment and conveying of the said *A.B.* to the said common gaol should be sooner paid): And whereas the said *A.B.* being so convicted as aforesaid and being required to pay the said sum of for costs hath not paid the same or any part thereof but therein hath made default*: These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said *A.B.*, and if within the space of days next after making such distress the said last-mentioned sum together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the police clerk or officer in charge of the station in the parish in which the police magistrate issuing such warrant shall be acting, that he may pay the same as by law directed, and may render the surplus (if any) on demand to the said *A.B.*, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand and seal this day of in the year of our Lord at in the Island aforesaid.

J.S. (L.S.)

P. 4.—ANTIGUA.

WARRANT of DISTRESS for Costs upon an Order where the disobeying of the Order is punishable with Imprisonment.

To any Constable or other Peace Officer of the said Island.

Whereas on last past complaint was made before police magistrate, for that (*§c., as in the order*), and afterwards, to wit, on at the said parties appeared before police magistrate (*or as it may be in the order*), and thereupon having considered the matter of the said complaint he adjudged the said *A.B.* to (*§c., as in the order*), and that if upon a copy of the minute of that order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual place of abode, he should neglect or refuse to obey the same it was adjudged that in such case the said *A.B.* for such disobedience should be imprisoned in the common gaol of the said Island (and there kept to hard labour) for the space of unless the said order should be sooner obeyed; and he thereby also adjudged that the said *A.B.* should pay to the said *C.D.* the sum of for his costs in that behalf; and he ordered that if the said sum for costs should not be paid (forthwith) the same should be levied of the goods and chattels of the said *A.B.*; and in default of sufficient distress in that behalf he thereby adjudged that the said *A.B.* should be imprisoned in the common gaol (and there kept to hard labour) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said *A.B.* to the said common gaol, should be sooner

paid : And whereas after the making of the said order a copy of the minute thereof was duly served upon the said *A.B.*, but the said *A.B.* did not then pay nor hath he paid the said sum of _____ for costs, or any part thereof, but therein hath made default : * These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said *A.B.*, and if within the space of _____ days next after the making of such distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the police clerk or officer in charge of the station in the parish for which the police magistrate issuing such warrant shall be acting, that he may pay the same as by law directed, and may render the overplus (if any) on demand to the said *A.B.*, and if no such distress can be found then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the Island aforesaid. *J.S.* (I.S.)

P. 5.—ANTIGUA.

WARRANT of COMMITMENT for want of Distress in either of the Two last Cases.

To any Constable and to the Keeper of the Common Gaol of the said Island.

Whereas (*&c.*, as in the two last forms to the asterisk *, and then thus) : And whereas afterwards, to wit, on the _____ day of _____ in the year aforesaid police magistrate, issued a warrant to the constable of _____ commanding him to levy the said sum of _____ for costs by distress and sale of the goods and chattels of the said *A.B.* : And whereas it appears to me _____ police magistrate, as well by the return of the said constable to the said warrant of distress as otherwise, that the said constable hath made diligent search for the goods and chattels of the said *A.B.*, but that no sufficient distress whereon to levy the sum above mentioned could be found : These are therefore to command you the said constable of _____ to take the said *A.B.*, and him safely to convey to the common gaol of the said Island and there deliver him to the keeper thereof, with this precept ; and I do hereby command you the said keeper of the said common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ unless the said sum and all costs and charges of the said distress (and of the commitment and conveying of the said *A.B.* to the said common gaol) amounting to the further sum of _____ shall be sooner paid unto you the said keeper, and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the Island aforesaid. *J.S.* (I.S.)

Q. 1.—ANTIGUA.

WARRANT of DISTRESS for Costs upon an Order for Dismissal of an Information or Complaint.

To any Constable or other Peace Officer of the said Island.

Whereas on _____ last past, information was laid (or complaint was made) before _____ police magistrate, for that (*&c.*, as in the order or dismissal), and afterwards, to wit, on _____ at _____ both parties appearing before police magistrate, in order that he should hear and determine the same, and the several proofs adduced to him in that behalf being by him duly heard and considered, and it manifestly appearing to him that the said information (or complaint) was not proved, he therefore dismissed the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the sum of _____ for his costs incurred by him in his defence in that behalf ; and he ordered that if the said sum for costs should not be paid (forthwith)

the same should be levied of the goods and chattels of the said *C.D.*; and he adjudged that in default of sufficient distress in that behalf the said *C.D.* should be imprisoned in the common gaol of the said Island (and there kept to hard labour) for the space of _____ unless the said sum for costs and all costs and charges of the said distress and of the commitment and conveying of the said *C.D.* to the said common gaol should be sooner paid:*. And whereas the said *C.D.* being now required to pay unto the said *A.B.* the said sum for costs hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name (forthwith) to make distress of the goods and chattels of the said *C.D.*, and if within the space of _____ days next after the making of such distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to _____ the police clerk or officer of the station in the parish of _____ in the said Island, that he may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said *C.D.*, and if no such distress can be found then that you certify the same unto the police magistrate, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand and seal this _____ day of _____ in the year of our
 Lord at in the Island aforesaid. J.S. (L.S.)

Q. 2.—ANTIGUA.

WARRANT of COMMITMENT for want of Distress in the last Case.

To any Constable and to the Keeper of the Common Gaol of the said Island.

Whereas (*gc., as in the last form to the asterisk *, and then thus:*) And whereas afterwards, on the _____ day of _____ in the year aforesaid, I police magistrate, issued a warrant to any constable or other peace officer, commanding him to levy the said sum of _____ for costs by distress and sale of the goods and chattels of the said *C.D.*: And whereas it appears to me, as well by the return of the said constable to the said warrant of distress as otherwise, that the said constable hath made diligent search for the goods and chattels of the said *C.D.*, but that no sufficient distress whereon to levy the sum above mentioned could be found: These are therefore to command you the said constable to take the said *C.D.*, and him safely convey to the common gaol of the said Island, and there deliver him to the said keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *C.D.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ unless the said sum and all costs and charges of the said distress (and of the commitment and conveying of the said *C.D.* to the said common gaol), amounting to the further sum of _____ shall be sooner paid unto you the said keeper; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this _____ day of _____ in the year of our
 Lord at in the Island aforesaid. J.S. (L.S.)

R.—ANTIGUA.

CERTIFICATE of Clerk of the Crown that the Costs of an Appeal are not paid.

Office of Clerk of the Crown for the said Island of
 (*Title of the Appeal.*)

I hereby certify that at a Court of Queen's Bench holden for the said Island on _____ last past, an appeal by *A.B.* against a conviction (order or dismissal), by _____ police magistrate, came on to be tried, and was then heard and determined; and the said Court of Queen's Bench thereupon ordered that the said conviction (or dismissal) should be confirmed (or quashed), and that the said (*appellant*) should pay

to the said (respondent) the sum of _____ for his costs incurred by him in the said appeal, and which said sum was thereby ordered to be paid to the clerk of the Crown on or before the _____ day of _____ instant, to be by him handed over to the said (respondent); and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated the _____ day of _____

G.H.

S. 1.—ANTIGUA.

WARRANT OF DISTRESS for Costs of an Appeal against a Conviction, Order, or Dismissal.

To any Constable or other Peace Officer of the said Island.

Whereas (*Sec., as in the warrants of distress M. or N. 1, ante, to the end of the statement of the conviction or order and then thus*): And whereas the said *A.B.* appealed to the Court of Queen's Bench for the said Island against the said conviction (*or dismissal*), in which appeal the said *A.B.* was the appellant, and the said *C.D.* was (*or were*) the respondents, and which said appeal came to be tried, and was heard and determined at the last Court of Queen's Bench for the said Island holden at _____ on _____ and the said Court of Queen's Bench thereupon ordered that the said conviction (*order or dismissal*) should be confirmed (*or quashed*), and that the said (appellant) should pay to the said (respondent) the sum of _____ for his costs incurred by him in the said appeal, which said sum was to be paid to the clerk of the Crown on or before the _____ day of _____ 18 _____ to be by him handed over to the said *C.D.*: And whereas the Clerk of the Crown hath, on the _____ day of _____ instant duly certified that the said sum for costs had not then been paid: * These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said *A.B.*, and if within the space of _____ days next after the making of such distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the police clerk or officer in charge of the station in the parish of _____ in the said Island, that he may apply the same as by law directed; and if no such distress can be found then that you certify the same to the police magistrate, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the Island aforesaid, J.S. (L.S.)

S. 2.—ANTIGUA.

WARRANT OF COMMITMENT for want of Distress in the last Case.

To any Constable and to the Keeper of the Common Gaol of the said Island.

Whereas (*Sec., as in the last form to the asterisk (*) and then thus*): And whereas afterwards on the _____ day of _____ in the year aforesaid police magistrate issued a warrant to any constable or other peace officer commanding him to levy the said sum for costs by distress and sale of the goods and chattels of the said *A.B.*: And whereas it appears to me _____ police magistrate, as well by the return of the said constable to the said warrant of said constable to the said warrant of distress as otherwise, that the said constable hath made search for the goods and chattels of the said *A.B.*, but that no sufficient distress whereon to levy the said sum above mentioned could be found: These are therefore to command you the said constable or other peace officer to take the said *A.B.* and him safely convey to the common gaol of the said Island, and there deliver him to the said keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and keep him to hard labour) for the space of _____ unless the said sum and all costs and charges of the said distress and of the commitment and conveying of the

L L

said *A.B.* to the said common gaol, amounting to the further sum of
shall be sooner paid unto you the said keeper, and for your so doing this shall be your
sufficient warrant.

Given under my hand and seal this day of in the year of our
Lord at in the Island aforesaid. *J.S.* (L.s.)

T.

ACCOUNT of CLERK of the JUSTICES and of the KEEPER of the Common Gaol
or House of Correction.

MONTHLY RETURN to Her Majesty's Justices of the Peace for the District of
in the Island of on the Day of 186
of Fines, Penalties, and Sums of Money received by the Clerk (*or* by the Keeper of
the Common Gaol at), and how applied, from the Day of
18 to the Day of 18 .

Name of party con- victed.	Date.	Offence.	Costs.	Amount thereof paid.	Fine.	Amount thereof paid.	Amount of fine, and how applied.	Punishment when fine not paid.	Names of convicting magistrates.	Reasons of non- payments or other observations.

(Signed)

Clerk to the said Justices, *or* Keeper of the above Gaol or House of Correction.

No. 170.

11 & 12 Vict. c. 42.

AN ACT to facilitate the Performance of the Duties of Police Magistrates with
respect to Persons charged with indictable Offences.

[Dated 29th August 1861.]

BE it enacted by the Governor, the Council, and Assembly as follows:

For what offences a
police magistrate may
grant a warrant or
summons to cause a
person charged there-
with to be brought
before him.

That in all cases where a charge or complaint (A.) shall be made before any
police magistrate of this Island that any person has committed or is suspected
to have committed any treason, felony, or indictable misdemeanor, or other in-
dictable offence whatsoever, then and in every such case, if the person so charged
or complained against shall not then be in custody, it shall be lawful for such
magistrate to issue his warrant (B.) to apprehend such person and to cause him
to be brought before him or any other police magistrate to answer to such charge
or complaint, and to be further dealt with according to law: Provided always,
that in all cases it shall be lawful for the magistrate to whom such charge or
complaint shall be preferred, if he shall so think fit, instead of issuing in the
first instance his warrant to apprehend the person so charged or complained
against, to issue his summons (C.) directed to such person, requiring him to
appear before the said magistrate or any other police magistrate then and there
being, at a time and place to be therein mentioned; and if after being served
with such summons in manner herein-after mentioned he shall fail to appear at
such time and place in obedience to such summons, then and in every such case
the said magistrate or any other police magistrate may issue his warrant (D.) to
apprehend such person so charged or complained against, and cause such person
to be brought before one or other of such magistrates to answer to the said
charge or complaint, and to be further dealt with according to law: Provided
nevertheless that nothing herein contained shall prevent any such magistrate

If the summons be
not obeyed then a
warrant may be
issued.

from issuing the warrant herein-before first mentioned at any time before or after the time mentioned in such summons for the appearance of the said accused party.

2. That in all cases of indictable crimes, or offences of any kind or nature whatsoever committed on the high seas, or in any creek, harbour, haven, or other place in which the Admiralty have or claim to have jurisdiction, it shall be lawful for any police magistrate to issue his warrant (E.) to apprehend the person charged with any such offence and to cause him to be brought before any such magistrate to answer the said charge, and to be further dealt with according to law.

Warrant to apprehend for offences committed on the high seas.

3. It shall be lawful for any police magistrate or any justice of the peace to grant or issue any warrant as aforesaid, or any search warrant, on a Sunday as well as on any other day.

Power of justices to issue warrants on Sundays.

4. That in all cases where a charge or complaint for any indictable offence shall be made before a police magistrate as aforesaid, if it be intended to issue a warrant in the first instance against the party or parties so charged, an information and complaint thereof (A.) in writing, on the oath or affirmation of the informant or of some witness or witnesses in that behalf shall be laid before such police magistrate: Provided always, that in all cases where it is intended to issue a summons instead of a warrant in the first instance, it shall not be necessary that such information and complaint shall be in writing, or be sworn to or affirmed in manner aforesaid, but in every such case such information and complaint may be by parol merely, and without any oath or affirmation whatsoever to support or substantiate the same: Provided also, that no objection shall be taken or allowed to any such information or complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the magistrate who shall take the examination of the witnesses in that behalf as herein-after mentioned.

Where charge, &c. is made, if a warrant is to be issued, information, &c. upon oath to be laid before justices.

If summons to be issued instead, information, &c. need not be on oath.

5. That upon such information and complaint being so laid as aforesaid, the magistrate receiving the same may, if he shall think fit, issue his summons or warrant respectively as herein-before is directed, to cause the person charged as aforesaid to be and appear before him or any other police magistrate to be dealt with according to law, and every such summons (C.) shall be directed to the party so charged in and by such information and shall state shortly the matter of such information, and shall require the party to whom it is so directed to be and appear at a certain time and place therein mentioned before the police magistrate who shall issue such summons, or before some other police magistrate, to answer to the said charge and to be further dealt with according to law; and every such summons shall be served by a constable or other peace officer upon the person to whom it is so directed by delivering the same to the party personally, or if he cannot conveniently be met with, then by leaving the same with some person for him at his last or most usual place of abode, and the constable or other peace officer who shall have served the same in manner aforesaid shall attend at the time and place and before the magistrate in the said summons mentioned, to depose if necessary to the service of such summons; and if the person so served shall not be and appear before the magistrate at the time and place mentioned in such summons in obedience to the same, or at such other time or place, if any, to which the hearing of such case may be adjourned, then it shall be lawful for such magistrate to issue his warrant (D.) for apprehending the party so summoned and bringing him before the said magistrate or some other police magistrate to answer the charge in the said information and complaint mentioned, and to be further dealt with according to law: Provided

Upon complaint being made police magistrate receiving the same may issue summons or warrant for appearance of person charged.

How summons to be served.

If party summoned do not attend magistrate may issue a warrant to compel attendance.

always, that no objection shall be taken or allowed to any such summons or warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the magistrate who shall take the examination of the witnesses in that behalf as herein-after mentioned; but if any such variance shall appear to such magistrate to be such that the party charged has been thereby deceived or misled, it shall be lawful for such magistrate at the request of the party so charged to adjourn the hearing of the case to some future day, and in the meantime to remand the party so charged, or admit him to bail in manner herein-after mentioned.

6. That every warrant (B.) hereafter to be issued by any police magistrate to apprehend any person charged with any indictable offence shall be under the hand and seal of the magistrate issuing the same, and may be directed either to any constable or other person by name, or generally to all constables or peace officers of this Colony, and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender, and it shall order the person or persons to whom it is directed to apprehend the offender and bring him before the magistrate issuing the said warrant, or before some other police magistrate, to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such warrant returnable at any particular time, but the same may remain in force until it shall be executed: Provided always, that no objection shall be taken or allowed to any such warrant for any defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the magistrate who shall take the examinations of the witnesses in that behalf as herein-after mentioned; but if any such variance shall appear to such magistrate to be such that the party charged has been thereby deceived or misled, it shall be lawful for such magistrate, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the party so charged or to admit him to bail in manner herein-after mentioned.

No objection allowed for alleged defect in form, &c.

Power of police magistrate to summon witnesses to attend and give evidence and to produce documents.

If summons not obeyed warrant may be issued to compel attendance.

7. If it shall be made to appear to any police magistrate that any person within the jurisdiction of such magistrate is likely to give material evidence for the prosecution, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such magistrate may and is hereby required to issue his summons (G. 1) to such person under his hand and seal, requiring him to be and appear at a time and place mentioned in such summons before the said magistrate, or before such other police magistrate as shall then be there, to testify what he shall know concerning the charge made against such accused party, and also (if such magistrate shall think fit) to bring with him and produce for examination such papers and documents as shall be in his possession or power and as shall by such magistrate be deemed necessary and be therein set forth; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said summons, and no just excuse shall be offered for such neglect or refusal, then after proof upon oath or affirmation of such summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, it shall be lawful for the magistrate before whom such person should have appeared to issue a warrant (G. 2) under his hand and seal to bring and have such person at a time and place to be therein mentioned before the magistrate who issued the said summons, or before such other police magistrate as shall then be there, to testify as aforesaid and (as the case may be) to produce such papers and

documents as aforesaid; or if such magistrate shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such summons it shall be lawful for him to issue his warrant (G. 3) in the first instance; and if on the appearance of such person so summoned before the said last-mentioned magistrate, either in obedience to the said summons, or upon being brought before him by virtue of the said warrant, or if upon the voluntary appearance of any person, and his being required by such magistrate to make oath or affirmation as witness, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, or (as the case may be) shall refuse to produce for examination any such paper or document as aforesaid which shall be in his possession or power, without offering any just excuse for such refusal, such police magistrate may by warrant (G. 4) under his hand and seal commit the person so refusing to the common gaol, there to remain and be imprisoned for any time not exceeding fourteen days, unless he shall in the meantime consent to be examined and to answer concerning the premises or (as the case may be) produce the said paper or document as aforesaid.

In certain cases warrant may be issued in the first instance.

Persons appearing on summons, &c. refusing to be examined may be committed.

8. That in all cases where any person shall appear or be brought before any police magistrate charged with any indictable offence, whether such person appear voluntarily upon summons or have been apprehended with or without warrant, or be in custody for the same or any other offence, such magistrate before he shall commit such accused person to prison for trial, or before he shall admit him to bail, shall in the presence of such accused person, who shall be at liberty to put questions to any witness produced against him, take the statement (H.) on oath or affirmation of those who shall know the facts and circumstances of the case and shall put the same into writing, and such depositions shall be read over to and signed respectively by the witness who shall have been so examined, and shall be signed also by the magistrate taking the same; and the magistrate before whom any such witness shall appear to be examined as aforesaid shall before such witness is examined administer to such witness the usual oath or affirmation which such magistrate shall have full power and authority to do; and if upon the trial of the person so accused as first aforesaid it shall be proved by the oath or affirmation of any credible witness that any person whose deposition shall have been taken as aforesaid is dead, or so ill as not to be able to travel, and if also it be proved that such deposition was taken in the presence of the person so accused, and that he or his counsel or attorney had a full opportunity of cross-examining the witness, then if such deposition purport to be signed by the magistrate by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the magistrate purporting to sign the same.

As to the examination of witnesses.

Depositions of persons who have died or who are too ill to attend may in certain cases be read in evidence.

9. That after the examinations of all the witnesses on the part of the prosecution as aforesaid shall have been completed, the police magistrate by or before whom such examination shall have been so completed as aforesaid shall without requiring the attendance of the witnesses read or cause to be read to the accused the depositions taken against him, and shall say to him these words, or words to the like effect, "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in

Accused to be informed that he has nothing to hope or fear from either promise or threat.

"writing and may be given in evidence against you upon your trial;" and whatever the prisoner shall then say in answer thereto shall be taken down in writing (L.) and read over to him: and shall be signed by the said magistrate and kept with the depositions of the witnesses, and shall be transmitted with them as herein-after mentioned, and afterwards upon the trial of the said accused person the same may if necessary be given in evidence against him without further proof thereof, if the same purport to be signed by the police magistrate by or before whom the same purports to have been taken, unless it shall be proved that the magistrate purporting to sign the same did not in fact sign the same: Provided always, that the said magistrate, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial notwithstanding such promise or threat: Provided nevertheless, that nothing herein enacted or contained shall prevent the prosecutor in any case from giving in evidence any admission or confession or other statement of the person accused or charged made at any time which by law would be admissible as evidence against such person.

Place where examination taken not to be deemed an open court, and no person to remain without consent.

10. That the room or building in which such magistrate shall take such examinations and statement as aforesaid shall not be deemed an open court for that purpose, and it shall be lawful for such magistrate in his discretion to order that no person shall have access to or be or remain in such room or building, the counsel or attorney of any person then being in such court as a prisoner only excepted, without the consent or permission of such magistrate, if it appear to him that the ends of justice will be best answered by so doing.

Power of magistrate to bind over prosecutors and witnesses by recognizance.

11. That it shall be lawful for the magistrate before whom any such witness shall be examined as aforesaid to bind by recognizance (K. 1) the prosecutor and every such witness to appear at the next Court of Queen's Bench at which the accused is to be tried, then and there to prosecute, or to prosecute and give evidence, or to give evidence, as the case may be, against the party accused, which said recognizance shall particularly specify the profession, art, mystery, or trade of every such person entering into or acknowledging the same, together with his christian and surname, and the parish, township, or place of his residence, and the said recognizance being duly acknowledged by the person so entering into the same shall be subscribed by the magistrate before whom the same shall be acknowledged, and a notice (K. 2) thereof signed by the said magistrate shall at the same time be given to the person bound thereby and the several recognizances so taken, together with the written information (if any), the depositions, the statements of the accused, and the recognizance of bail (if any), in every such case shall be delivered by the said magistrate, or he shall cause the same to be delivered to the Clerk of the Crown ten days before the sitting of the next Court of Queen's Bench, or forthwith, if taken within that time: Provided always, that if any such witness shall refuse to enter into or acknowledge such recognizance as aforesaid, it shall be lawful for such magistrate by his warrant (L. 1) to commit him to the common gaol, there to be imprisoned and safely kept until after the trial of such accused party, unless in the meantime such witness shall duly enter into such recognizance as aforesaid before some police magistrate: Provided nevertheless, that if afterwards from want of sufficient evidence in that behalf or other cause the magistrate before whom such accused party shall have been brought shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such magistrate by his order (L. 2) in that behalf to order and direct the keeper of

Recognizances, depositions, &c. to be transmitted to the Clerk of the Crown.

Witnesses refusing to enter into recognizances may be committed.

the common gaol where such witness shall be in custody to discharge him from the same, and such keeper shall thereupon forthwith discharge him accordingly.

12. That if from the absence of witnesses or from any other reasonable cause it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful to and for the magistrate before whom the accused shall appear or be brought by his warrant (M. 1) from time to time to remand the party accused for such time as by such magistrate in his discretion shall be deemed reasonable, not exceeding eight clear days, to the common gaol or other prison, lock-up house, or place of security; or if the remand be for a time not exceeding three clear days it shall be lawful for such magistrate verbally to order the constable or other person in whose custody such party accused may then be, or any other constable or person to be named by the said magistrate in that behalf, to continue or keep such party accused in his custody, and to bring him before the same or such other police magistrate as shall be there acting at the time appointed for continuing such examination: Provided always, that any such magistrate may order such accused party to be brought before him or before any other police magistrate at any time before the expiration of the time for which such accused party shall be so remanded, and the gaoler or officer in whose custody he shall then be shall duly obey such order: Provided also, that instead of detaining the accused party in custody during the period for which he shall be so remanded, any police magistrate before whom such accused party shall so appear or be brought as aforesaid may discharge him upon his entering into a recognizance (M. 2, 3) with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination; and if such accused party shall not afterwards appear at the time and place mentioned in such recognizance, then the magistrate who may then and there be present, upon certifying (M. 4) on the back of the recognizance the non-appearance of such accused party, may transmit such recognizance to the Clerk of the Crown to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said accused party.

13. That where any person shall appear or be brought before any police magistrate charged with any felony or with any other indictable offence, such magistrate may in his discretion admit such person to bail upon his procuring and producing such surety or sureties as in the opinion of such magistrate will be sufficient to ensure the appearance of such accused person at the time and place when and where he is to be tried for the offence, and thereupon such magistrate shall take the recognizance (N. 1, 2) of the said accused person and his surety or sureties conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial, and not depart the court without leave; and in all cases where a person charged with any indictable offence shall be committed to prison to take his trial for the same, it shall be lawful at any time afterwards and before the first day of the sitting or session at which he is to be tried, or before the day to which such sitting or session may be adjourned, for the magistrate who shall have signed the warrant for his commitment in his discretion to admit such accused person to bail in manner aforesaid; or if such committing magistrate shall be of opinion that the said accused person ought to be admitted to bail, he shall in such cases and in all cases of misdemeanors certify (N. 3) on the back of the warrant of commitment his consent to such accused party being bailed, stating also the amount of bail which ought to be required; and it shall be lawful for any justice of the peace attending or being at the gaol or prison where such accused party

Power of magistrate to remand the accused from time to time not exceeding eight days by warrant.

If remand be for three days only by verbal order.

Party accused may be admitted to bail on the examination being adjourned.

If party does not appear upon recognizance, magistrate may transmit the same to the Clerk of the Crown.

Power of magistrate to admit to bail persons charged with felony and other indictable offences.

Magistrate may admit to bail in the like cases after commitment for trial.

shall be in custody on production of such certificate to admit such accused person to bail in manner aforesaid, or if it shall be inconvenient for the surety or sureties in such case to attend such gaol or prison to join with such accused person in his recognizance of bail, then such committing magistrate may make a duplicate of such certificate (N. 4) as aforesaid, and upon the same being produced to any justice of the peace it shall be lawful for such justice to take the recognizance of the surety or sureties in conformity with such certificate; and upon such recognizance being transmitted to the keeper of such gaol or prison and produced together with the certificate on the warrant of commitment as aforesaid to any justice of the peace attending or being at such gaol or prison, it shall be lawful for such last-mentioned justice thereupon to take the recognizance of such accused person and to order him to be discharged out of custody as to that commitment, as herein-after mentioned; and in all cases where such accused person in custody shall be admitted to bail by a justice of the peace other than the committing magistrate as aforesaid, such justice of the peace so admitting him to bail shall forthwith transmit the recognizance or recognizances of bail to the committing magistrate, to be by him transmitted with the examinations to the Clerk of the Crown: Provided nevertheless, that no justice of the peace shall admit any person to bail for treason, nor shall such person be admitted to bail, except by order of the Governor or by the Chief Justice.

Certain recognizances to be transmitted to the committing magistrate.

No bail in cases of treason but by order of Governor or Chief Justice.

When justice admits a person to bail after committal, a warrant of deliverance shall be sent to him, if not detained for any other offence.

If after hearing evidence against accused it is not thought sufficient to warrant commitment he shall be discharged. But if evidence considered sufficient, magistrate shall by warrant commit accused for trial.

Accused may obtain copies of depositions upon payment of 1½d. per folio.

Forms in schedule deemed valid.

Repeals certain Acts, No. 76, ss. 1, 2, 3.

No. 135, s. 43, since otherwise repealed.

14. That in all cases where a justice of the peace shall admit to bail any person who shall then be in prison charged with the offence for which he shall be so admitted to bail, such justice shall send to or cause to be lodged with the keeper of such prison a warrant of deliverance (N. 5) under his hand and seal, requiring the said keeper to discharge the person so admitted to bail, if he be detained for no other offence or under no civil process, and upon such warrant of deliverance being delivered to or lodged with such keeper he shall forthwith obey the same.

15. That when all the evidence offered upon the part of the prosecutor against the accused party shall have been heard, if the magistrate then present shall be of opinion that it is not sufficient to put such accused party upon his trial for any indictable offence, such magistrate shall forthwith order such accused party, if in custody, to be discharged as to the information then under inquiry; but if in the opinion of such magistrate such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence given raise a strong or probable presumption of the guilt of such accused party, then such magistrate shall by his warrant (O. 1) commit him to the common gaol, to be there safely kept until he shall be thence delivered by due course of law, or admit him to bail as herein-after mentioned.

16. At any time after all the examinations aforesaid shall have been completed, and before the first day of the sitting of the court at which any person so committed to prison or admitted to bail as aforesaid is to be tried, such person may require and shall be entitled to have of and from the officer or person having the custody of the same copies of the depositions on which he shall have been committed or bailed, or copies of depositions taken at an inquest in case of murder and manslaughter, on payment of a reasonable sum for the same, not exceeding three halfpence sterling for each folio of ninety words.

17. The several forms in the schedule to this Act contained, or forms to the same or like effect, shall be deemed good, valid, and sufficient in law.

18. So much of the Act passed in the year 1840, intituled "An Act for improving the Administration of Criminal Justice in this Island," as relates to the taking of bail in cases of felony and to the taking of the examinations and informations against persons charged with felonies and misdemeanors, and

binding persons by recognizance to prosecute or give evidence, and so much of the Act passed in the year 1857, intituled " An Act for further improving the " Administration of Criminal Justice as relates to the Right of Parties charged " with Offences " to have copies of the depositions or examinations against them, and all other Acts or parts of Acts which are inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

SCHEDULES.

A.—INFORMATION and Complaint for an Indictable Offence.

Antigua to wit.

The information and complaint of *C. D.* of (labourer), taken this day of in the year of our Lord before the undersigned police magistrate for the who saith that (*§c., stating the offence*).

Sworn before me the day and year first above mentioned.

J.S.

B.—WARRANT to apprehend a Person charged with an indictable Offence.

To any Constable and to all other Peace Officers in and for the said Island.

Whereas *A. B.* of (labourer), hath this day been charged upon oath before the undersigned police magistrate for for that he on the day of did (*§c., stating shortly the offence*): These are therefore to command you in Her Majesty's name forthwith to apprehend the said *A. B.* and bring him before me or some other police magistrate to answer unto the said charge, and to be further dealt with according to law.

Given under my hand and seal, this day of in the year of our Lord .

J. S. (L.S.)

C.—SUMMONS to a Person charged with indictable Offence.

To *A. B.* of (labourer).

Whereas you have been this day charged before the undersigned police magistrate for for that you on the day of (*§c., stating shortly the offence*): These are therefore to command you in Her Majesty's name to be and appear before me on the day of at ten o'clock in the forenoon, at or before such other police magistrate as may then be there, to answer to the said charge, and to be further dealt with according to law.

Herein fail not.

Given under my hand and seal, this day of in the year of our Lord 186 .

J. S. (L.S.)

D.—WARRANT where the Summons is disobeyed.

To any Constable and to all other Peace Officers in and for the said Island.

Whereas on the day of last past, *A. B.* of (labourer), was charged before the undersigned police magistrate for for that (*§c., as in the summons*): And whereas I then issued my summons to the said *A. B.* commanding him in Her Majesty's name to be and appear before me on at o'clock in the forenoon, at or before such other police magistrate as might then be there, to answer to the said charge, and to be further dealt with according to law: And whereas the said *A. B.* hath neglected to be or appear at the time and place appointed in and by the said summons, although it hath now been proved to me upon oath that the said summons was duly served upon the said *A. B.*: These are therefore to command you

in Her Majesty's name forthwith to apprehend the said *A.B.* and to bring him before me or some other police magistrate to answer to the said charge, and to be dealt with according to law.

Given under my hand and seal, this day of in the year of our
Lord 186 .
J.S. (L.S.)

E.—WARRANT to apprehend a Person charged with an Indictable Offence committed on the High Seas or Abroad.

For offences committed on the high seas the warrant may be the same as in ordinary cases, but describing the offences to have been committed "on the high seas, out of the body of this Island, and within the jurisdiction of the Court of Admiralty Sessions in the same."

F.—CERTIFICATE of Non-appearance to be endorsed on the Defendant's Recognizance.

I hereby certify that the said *A.B.* hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J.S.

G. 1.—SUMMONS of a Witness.

To *E.F.* of (labourer).

Whereas information hath been laid before the undersigned police magistrate that *A.B.* (*ſc.*, as in the summons or warrant against the accused), and it hath been made to appear to me that you are likely to give material evidence for the (prosecution): These are therefore to require you to be and appear before me on next at o'clock in the forenoon, at or before such other police magistrate as may then be there, to testify what you shall know concerning the said charge so made against the said *A.B.*, as aforesaid. Herein fail not.

Given under my hand and seal, this day of in the year of our
Lord one thousand eight hundred and .
J.S. (L.S.)

G. 2.—WARRANT where a Witness has not obeyed a Summons.

To *A.B.*, Constable for and to all other Peace Officers in the said Island.

Whereas information having been laid before the undersigned police magistrate for that *C.D.* (*ſc.*, as in the summons), and it having been made to appear to me that *E.F.* of (labourer), was likely to give material evidence for the prosecution, I did duly issue my summons to the said *E.F.* requiring him to be and appear before me on at or before such other police magistrate as might then be there, to testify what he should know respecting the said charge made against the said *C.D.* as aforesaid: And whereas proof hath this day been made before me upon oath of such summons having been duly served upon the said *E.F.*: And whereas the said *E.F.* hath neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect: These are therefore to command you to bring and have the said *E.F.* before me on at o'clock in the forenoon, at or before such other police magistrate as may then be there, to testify what he shall know concerning the said charge so made against the said *A.B.* as aforesaid.

Given under my hand and seal, this day of in the year of our
Lord one thousand eight hundred and .
J.S. (L.S.)

G. 3.—WARRANT for a Witness in the first instance.

To *A.B.* Constable for and to all other peace officers in the said Island.

Whereas information hath been laid before the undersigned police magistrate for that (*Sec., as in summons*), and it having been made to appear before me upon oath that *E.F.* of (labourer), is likely to give material evidence for the prosecution, and that it is probable that the said *E.F.* will not attend to give evidence without being compelled so to do: These are therefore to command you to bring and have the said *E.F.* before me on at o'clock in the forenoon, at or before such other police magistrate as may then be there, to testify what he shall know concerning the said charge so made against the said *C.D.* as aforesaid.

Given under my hand and seal this day of in the year of our Lord one thousand eight hundred and

J.S. (L.S.)

G. 4.—WARRANT of Commitment of a Witness for refusing to be sworn to give Evidence.

To *A.B.*, Constable for and to the Keeper of the Common Gaol.

Whereas *C.D.* was lately charged before the undersigned police magistrate for that (*Sec., as in the summons*), and it having been made to appear to me upon oath that *E.F.* of was likely to give material evidence for the prosecution, I duly issued my summons to the said *E.F.* requiring him to be and appear before me on at or before such other police magistrate as might then be there, to testify what he might know concerning the said charge so made against the said *C.D.* as aforesaid; and the said *E.F.* now appearing before me (or being brought before me by virtue of a warrant in that behalf, to testify as aforesaid), and being required to make oath or affirmation as a witness in that behalf hath now refused so to do (or being duly sworn as a witness doth now refuse to answer certain questions concerning the premises which are here put to him) without offering any just excuse for such his refusal: These are therefore to command you the said constable to take the said *E.F.* and him safely to convey to the common gaol and there deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the said common gaol to receive the said *E.F.* into your custody in the said common gaol and him there safely keep for the space of days for his said contempt, unless he shall in the meantime consent to be examined and to answer concerning the premises; and for so doing this shall be your sufficient warrant.

Given under my hand and seal this day of in the year of our Lord one thousand eight hundred and

J.S. (L.S.)

H.—DEPOSITIONS of Witnesses.

The examination of *C.D.* of (planter), and *E.F.* of to wit. } (labourer), taken on oath this day of in the year of our Lord one thousand eight hundred and at in the (district) aforesaid, before the undersigned police magistrate for in the presence and hearing of *A.B.*, who is charged this day before me for that he the said *A.B.* on at (*Sec. describing the offence as in the warrant of commitment*). This deponent *C.D.* on his oath saith as follows, *Sec., stating the deposition of the witness as nearly as possibly in the words he uses; when his deposition is complete let him sign it*).

The above depositions of *C.D.* and *E.F.* were taken and sworn before me at on the day and year first mentioned.

J.S.

I.—STATEMENT of the Accused.

A.B. stands charged before the undersigned police magistrate this day of in the year of our Lord for that he the said *A.B.* at (*Sec., as in the caption of the depositions*), and the said charge being read to the said *A.B.*, and the witnesses for the prosecution *C.D.* and *E.F.* being

severally examined in his presence, the said *A.B.* is now addressed by me as follows : Having heard the evidence, do you wish to say anything in answer to the charge ? You are not obliged to say anything unless you desire to do so ; but whatever you say will be taken down in writing and may be given in evidence against you upon your trial, whereupon the said *A.B.* saith as follows :

(Here state whatever the prisoner may say, and in his very words as nearly as possible. Get him to sign it if he will.)

Taken before me at _____ the day and year first above mentioned. *A.B.*

J.S.

K. 1.—RECOGNIZANCE to prosecutor to give Evidence.

Antigua.

Be it remembered, that on the _____ day of _____ in the year of our Lord one thousand eight hundred and sixty _____ of _____ in the parish of Saint (planter), personally came before me _____ police magistrate of _____ and acknowledged to owe to our Sovereign Lady the Queen the sum of _____ pounds of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her heirs and successors, if the said _____ shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at _____ before me

J.S.

CONDITION to prosecute.

The condition of the within written recognizance is such, that whereas was this day charged before me, police magistrate in and for the parish of Saint for that the said (as in the caption of the depositions), if therefore he the said *C.D.* shall appear at the next Court of Queen's Bench to be holden in and for this Island, and there give such evidence as he knoweth upon a bill of indictment to be then and there preferred against the said *A.B.* for the offence aforesaid, as well to the jurors who shall there inquire of the said offence as also to the jurors who shall pass upon the trial of the said *A.B.* if the said bill shall be found a true bill, then the said recognizance to be void, or else to stand in full force and virtue.

K. 2.—NOTICE of the said Recognizance to be given to the Prosecutor and his Witnesses.

Antigua, } Take notice, that you *C.D.* of _____ are bound in the sum of
to wit. } _____ pounds to appear at the next Court of Queen's Bench to be holden in and for this Island, and then and there give evidence against *A.B.*, and unless you then appear there and give evidence accordingly the recognizance entered into by you will be forthwith levied on you.

Dated this _____ day of _____ one thousand eight hundred and sixty _____

L. 1.—COMMITMENT of Witness for refusing to enter into the Recognizance.

To any Constable for this Island and to the Keeper of the Common Gaol.

Whereas *A.B.* was lately charged before the undersigned police magistrate for for that (*&c.*, as in the summons to the witness), and it having been made to appear to me that *E.F.* of _____ was likely to give material evidence for the prosecution, I duly issued my summons to the said *E.F.* requiring him to be and appear before me on _____ at _____ or before such other police magistrate as might then be there, to testify what he should know concerning the said charge so made against the said *A.B.* as aforesaid ; and the said *E.F.* now appearing before me (or being brought before me by virtue of a warrant in that behalf to testify as aforesaid) hath been now examined by me touching the premises, but being by me required to enter into a recognizance conditioned to give evidence against the said *A.B.* hath now refused so to do :

These are therefore to command you the said constable to take the said *E.F.* and him safely to convey to the common gaol and there deliver him to the said keeper thereof, together with this precept ; and I do hereby command you the said keeper of the said common gaol to receive the said *E.F.* into your custody in the said common gaol, there to imprison him, and safely keep him until after the trial of the said *A.B.* for the offence aforesaid, unless in the meantime such *E.F.* shall duly enter into such recognizance as aforesaid in the sum of pounds before some one justice of the peace for the said Island, in the usual form, to appear at the next Court of Queen's Bench to be holden in and for this Island, and there to give evidence before the grand jury upon any bill of indictment which may then and there be preferred against the said *A.B.* for the offence aforesaid, and also to give evidence upon the trial of the said *A.B.* for the said offence, if a true bill should be found against him for the same.

Given under my hand and seal, this day of in the year of our
Lord one thousand eight hundred and sixty .

J.S. (L.S.)

L. 2.—SUBSEQUENT ORDER to discharge the Witness.

To the Keeper of the Common Gaol.

Whereas by my order, dated the day of instant, reciting that *A.B.* was lately charged before me for a certain offence therein mentioned, and that *E.F.* having appeared before me, and being examined as a witness for the prosecution in that behalf, refused to enter into a recognizance to give evidence against the said *A.B.*, and I therefore thereby committed the said *E.F.* to your custody and required you safely to keep him until after the trial of the said *A.B.* for the offence aforesaid, unless in the meantime he should enter into such recognizance as aforesaid : And whereas for want of sufficient evidence against the said *A.B.* the said *A.B.* has not been committed or holden to bail for the said offence, but on the contrary thereof has been discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your custody : These are therefore to order and direct you the said keeper to discharge the said *E.F.* out of your custody as to the said commitment and suffer him to go at large.

Given under my hand and seal this day of in the year of our
Lord, one thousand eight hundred and sixty .

J.S. (L.S.)

M. 1.—WARRANT remanding a Prisoner.

To any Constable for this Island and to the Keeper of the Common Gaol.

Whereas *A.B.* was this day charged before me the undersigned police magistrate for for that (*§c.*, as in the warrant to apprehend), and it appears to me to be necessary to remand the said *A.B.* : These are therefore to command you the said constable, in Her Majesty's name forthwith to convey the said *A.B.* to the common gaol and there to deliver him to the keeper thereof, together with this precept ; and I hereby command you the said keeper to receive the said *A.B.* into your custody in the said common gaol and there safely keep him until the day of instant, when I hereby command you to have him at at o'clock in the forenoon of the same day before me, or before such other police magistrate as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this day of in the year of our
Lord one thousand eight hundred and sixty .

J.S. (L.S.)

M. 2.—RECOGNIZANCE of Bail instead of Remand on an Adjournment of Examination.

Be it remembered that on the day of in the year of our Lord
one thousand eight hundred and sixty *A.B.* of (*labourer*), *L.M.*
of (*grocer*), and *N.O.* of (*butcher*), personally came before me, the

for that (*&c., as in the warrant*), if therefore the said *A.B.* will appear at the next Court of Queen's Bench for this Island, and there surrender himself into the custody of the keeper of the common gaol, and plead to such indictment as may be found against him by the grand jury for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

N. 2.—NOTICE of the said Recognizance to be given to the Accused and his Bail.

Take notice that you *A.B.* of are bound in the sum of pounds, and your sureties *L.M.* and *N.O.* in the sum of pounds each, that you *A.B.* appear (*&c., as in the condition of the recognizance*) and not depart the said court without leave; and unless you the said *A.B.* personally appear and plead, and take your trial accordingly, the recognizance entered into by you and your sureties shall be forthwith levied on you and them.

Dated this day of 186 .

J.S.

N. 3.—CERTIFICATE of Consent to Bail by the committing Magistrate, endorsed on the Commitment.

I hereby certify that I consent to the within named *A.B.* being bailed by recognizance, himself in pounds, and (two) sureties in pounds each.

J.S. (L.S.)

N. 4.—The like, on a separate paper.

Whereas *A.B.* was on the day of committed by me to the common gaol, charged with (*&c., naming the offence shortly*):

I hereby certify that I consent to the said *A.B.* being bailed by recognizance, himself in pounds, and (two) sureties in pounds each.

Dated the day of 186 .

J.S. (L.S.)

N. 5.—WARRANT of DELIVERANCE on Bail being given for a Prisoner already committed

To the Keeper of the Common Gaol.

Whereas *A.B.*, late of (labourer), hath before me, one of Her Majesty's justices of the peace for this Island, entered into his own recognizance and found sufficient sureties for his appearance at the next Court of Queen's Bench to be holden in and for this Island, to answer our Sovereign Lady the Queen, for that (*&c., as in the commitment*), for which he was taken and committed to the said common gaol: These are therefore to command you in Her Majesty's name that if the said *A.B.* do remain in your custody in the said common gaol for the said cause, and for no other, you shall forthwith suffer him to be at large.

Given under my hand and seal this day of in the year of our

Lord one thousand eight hundred and

J.S. (L.S.)

O. 1.—WARRANT of COMMITMENT.

Antigua.

To any Constable of this Island, and to the Keeper of the Common Gaol.

Whereas was this day charged before me the undersigned police magistrate for the parish of Saint on the oath of and others, for that he the said on the day of did

These are therefore to command you the said constable to take the said and him safely to convey to the common gaol and there to deliver him to the keeper

thereof, together with this precept ; and I do hereby command you the said keeper of the said common gaol to receive the said into your custody in the said common gaol, and there safely keep him until he shall be thence delivered by due course of law.

Given under my hand and seal, this day of in the year of our
 Lord one thousand eight hundred and sixty J.S. (L.S.)

No. 171.

11 & 12 Vict. c. 44.

AN ACT to protect Police Magistrates and Justices of the Peace and Constables from vexatious Actions for Acts done by them in execution of their Office.
[Dated 29th August 1861.]

WHEREAS it is expedient to protect police magistrates and justices of the peace and constables in the execution of their duty:

Be it therefore enacted by the Governor and the Council and Assembly as follows:

For an act by a police magistrate or justice of the peace within his jurisdiction, the action shall be on the case, and it shall be alleged to have been maliciously and without probable cause.

1. Every action hereafter to be brought against a police magistrate or justice of the peace for any act done by him in the execution of his duty as such police magistrate or justice, with respect to any matter within his jurisdiction as such police magistrate or justice, shall be an action on the case as for a tort; and in the declaration it shall be expressly alleged that such act was done maliciously and without reasonable and probable cause; and if at the trial of any such action upon the general issue being pleaded the plaintiff shall fail to prove such allegation he shall be nonsuit, or a verdict shall be given for the defendant.

For an act done by him without jurisdiction or exceeding his jurisdiction an action may be maintained without such allegation, but not for an act done under a conviction or order, until such conviction or order shall have been quashed.

2. For any act done by a police magistrate or justice of the peace in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any conviction or order made or warrant issued by such police magistrate or justice in any such matter, may maintain an action against such police magistrate or justice in the same form and in the same case as he might have done before the passing of this Act, without making any allegation in his declaration that the act complained of was done maliciously and without reasonable and probable cause; provided nevertheless, that in any case where a conviction may be quashed either upon appeal or upon application to the Court of Queen's Bench no such action shall be brought for any thing done under such conviction or order, until after such conviction or order shall have been quashed, either upon appeal, or upon application to Her Majesty's Court of Queen's Bench for this Island, nor shall any such action be brought for anything done under any such warrant which shall have been issued by such police magistrate or justice to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed as aforesaid; or if such last-mentioned warrant shall not have been followed by any such conviction or order, or if it be a warrant upon an information for an alleged indictable offence, nevertheless, if a summons were issued previously to such warrant, and such summons were served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such summons, in such case no such action shall be maintained against such police magistrate or justice for anything done under such warrant.

3. Where a conviction or order shall be made by a police magistrate or a justice of the peace, and a warrant of distress or of commitment shall be granted thereon by some other police magistrate or justice of the peace *bond fide*, and without collusion, no action shall be brought against the police magistrate or justice who so granted such warrant by reason of any defect in such conviction or order, or for want of any jurisdiction in the police magistrate or justice who made the same; but the action (if any) shall be brought against the police magistrate or justice who made such conviction or order.

4. In all cases where a discretionary power shall be given to a police magistrate or justice of the peace by any Act or Acts, no action shall be brought against such police magistrate or justice for or by reason of the manner in which he shall have exercised his discretion in the execution of any such power.

5. And whereas it would conduce to the advancement of justice, and render more effective and certain the performance of the duties of police magistrates and justices of the peace, and give them protection in the performance of the same, if some simple means not attended with much expense were devised, by which the legality of any act to be done by such police magistrate or justice might be considered and adjudged by a court of competent jurisdiction, and such police magistrate or justice enabled and directed to perform it without risk of any action or other proceedings being brought or had against him: Be it enacted, That in all cases where a police magistrate or justice of the peace shall refuse to do any act relating to the duties of his office as such police magistrate or justice, it shall be lawful for the party requiring such act to be done to apply to Her Majesty's Court of Queen's Bench for this Island, upon an affidavit of the facts, for a rule calling upon such police magistrate or justice of the peace, and also the party to be affected by such act, to show cause why such act should not be done; and if after due service of such rule good cause shall not be shown against it, the said court may make the same absolute, with or without or upon payment of costs, as to it shall seem meet; and the said police magistrate or justice of the peace upon being served with such rule absolute shall obey the same and shall do the act required, and no action or proceeding whatsoever shall be commenced or prosecuted against such police magistrate or justice for having obeyed such rule and done such act so thereby required as aforesaid.

6. In all cases where a warrant of distress or warrant of commitment shall be granted by a police magistrate or a justice of the peace upon any conviction or order which, either before or after the granting of such warrant, shall have been or shall be confirmed upon appeal, no action shall be brought against the police magistrate or justice who so granted such warrant for anything which may have been done under the same by reason of any defect in such conviction or order.

7. In all cases where by this Act it is enacted that no action shall be brought under particular circumstances, if any such action shall be brought it shall be lawful for the judge of the court in which the same shall be brought, upon application of the defendant, and upon affidavit of facts, to set aside the proceedings in such action, with or without costs, as to him shall seem meet.

8. No action shall be brought against any police magistrate or justice of the peace for anything done by him in the execution of his office, unless the same shall be commenced within six calendar months next after the act complained of shall have been committed.

9. No such action shall be commenced against any such police magistrate or justice of the peace until one calendar month at least after a notice in writing of such intended action shall have been delivered to him or left for him at his most usual place of abode by the party intending to commence such action, or by

If one police magistrate or one justice makes a conviction or order and another grants a warrant upon it, the action must be brought against the former, not the latter, for a defect in the conviction or order.

No action against police magistrates or justices for the manner in which they exercise discretionary power.

If a police magistrate or justice refuse to do an act, the Court of Queen's Bench may by rule order him to do it, and no action shall be brought against him for doing it.

After conviction or order confirmed on appeal no action for anything done under a warrant upon it.

If an action be brought where by this Act it is prohibited a judge may set aside the proceedings.

Limitation of action.

Notice of action.

his attorney or agent, in which said notice the cause of action and the court in which the same is intended to be brought shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the said attorney or agent, if such notice shall have been served by such attorney or agent.

Defendant may plead the general issue, and give special matter, &c. in evidence.

Tender and payment of money into court.

10. In every such action the defendant shall be allowed to plead the general issue therein, and to give any special matter of defence, excuse, or justification in evidence under such plea at the trial of such action.

11. In every such case after notice of action shall be so given as aforesaid, and before such action shall be commenced, the police magistrate or justice of the peace to whom such notice shall be given may tender to the party complaining, or his attorney or agent, such sum of money as he may think fit as amends for the injury complained of in such notice; and after such action shall be commenced, and at any time before issue joined therein, such defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into court such sum of money as he may think fit, and which said tender and payment of money into court, or either of them, may afterwards be given in evidence by the defendant at the trial under the general issue aforesaid; and if the jury at the trial shall be of opinion that the plaintiff is not entitled to damages beyond the sum so tendered or paid into court, or beyond the sums so tendered and paid into court, then they shall give a verdict for the defendant, and the plaintiff shall not be at liberty to elect to be nonsuit, and the sum of money, if any, so paid into court, or so much thereof as shall be sufficient to pay or satisfy the defendant's costs in that behalf, shall thereupon be paid out of court to him, and the residue, if any, shall be paid to the plaintiff; or if where money is so paid into court in any such action the plaintiff shall elect to accept the same in satisfaction of his damages in the said action, he may obtain from the judge of the court in which such action shall be brought an order that such money shall be paid out of court to him, and that the defendant shall pay him his costs, to be taxed, and thereupon the said action shall be determined and such order shall be a bar to any other action for the same cause.

In what cases nonsuit or verdict for defendant.

12. If at the trial of any such action the Plaintiff shall not prove that such action was brought within the time herein-before limited in that behalf, or that such notice as aforesaid was given one calendar month before such action was commenced, or if he shall not prove the cause of action stated in such notice, then and in every such case such plaintiff shall be nonsuit, or the jury shall give a verdict for the defendant.

Damages.

13. In all cases where the plaintiff in any such action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he prove he was imprisoned under such conviction or order and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid or any sum beyond the sum of twopenny as damages for such imprisonment, or any costs of suit whatever, if it shall be proved that he was actually guilty of the offence of which he was convicted, or that he was liable by law to pay the sum he was so ordered to pay; and with respect to such imprisonment that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for nonpayment of the sum he was so ordered to pay.

Costs.

14. If the plaintiff in any such action shall recover a verdict, or the defendant shall allow judgment to pass against him by default, such Plaintiff shall be entitled to costs in such manner as if this Act had not been passed, or if in such

case it may be stated in the declaration that the act complained of was done maliciously and without reasonable and probable cause, the plaintiff, if he recover a verdict for any damages, or if the defendant allow judgment to pass against him by default, shall be entitled to his full costs of suit, to be taxed as between attorney and client, and in every action against a police magistrate or justice of the peace for anything done by him in the execution of his office, the defendant, if he obtain judgment upon verdict or otherwise, shall in all cases be entitled to his full costs in that behalf, to be taxed as between attorney and client.

15. No action shall be brought against any constable or other officer, or against any person or persons acting by his order and in his aid, for anything done in obedience to any warrant under the hand and seal of any police magistrate or justice of the peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his or their attorney or agent in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case, after such demand and compliance therewith by showing the said warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such constable or other officer or against such person or persons acting in his aid for any such cause as aforesaid, without making the police magistrate or justice or justices who signed or sealed the said warrant defendant or defendants, on producing or proving such warrant at the trial of such action, the jury shall give their verdict for the defendant or defendants notwithstanding any defect of jurisdiction in such police magistrate, justice or justices; and if such action be brought jointly against such police magistrate, justice, or justices, and also against such constable or other officer or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the jury shall find for such constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the police magistrate, justice or justices, in such case the plaintiff or plaintiffs shall recover his or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs is or are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

No action against a constable or any person acting by his order for anything done in obedience to any warrant of a magistrate, until demand be made for such warrant, &c.

16. No action shall be brought against any constable or other officer or person acting as aforesaid unless commenced within six calendar months after the act committed.

Limitation of time of actions against constables.

17. In all cases where a constable shall execute a warrant or other process issued by a police magistrate or justice of the peace, it shall be lawful for such magistrate or justice to award to such constable such fee as shall be deemed reasonable by such magistrate or justice, not exceeding twenty-eight shillings, and such fee shall be paid by the party or parties against whom the warrant or other process shall issue, or by the party or parties requiring such process, or out of the public treasury, as shall be ordered by such magistrate or justice, and such fee may be recovered against such party or parties in like manner as any other sum of money ordered to be paid by a police magistrate or justice of the peace.

Costs to constables for executing warrants of magistrates.

No. 172.

AN ACT to facilitate the Despatch of Business before Grand Juries.

[Dated 29th August 1861.]

WHEREAS it would expedite and improve the administration of criminal justice if persons attending to give evidence before grand juries were sworn in the presence of the jurors who are to act upon such testimony: Be it therefore enacted by the Governor, Council, and Assembly of Antigua as follows:

Witnesses examined before grand juries to be sworn in the presence of the jurors.

1. From and after the passing of this Act it shall be lawful for the foreman of every grand jury empanelled in Antigua, and he is hereby authorized and required to administer an oath to all persons whomsoever who shall appear before such grand jury to give evidence in support of any bill of indictment, and all such persons attending before any grand jury to give evidence may be sworn and examined upon oath by such grand jury touching the matter in question; and every person taking any oath or affirmation in support of any bill of indictment who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and the name of every witness examined or intended to be so examined shall be indorsed on such bill of indictment; and the foreman of such grand jury shall write his initials against the name of each witness so sworn and examined touching such bill of indictment.

Not necessary for witnesses to be sworn in open court.

2. From and after the passing of this Act it shall not be necessary for any person to take an oath in open court in order to qualify such person to give evidence before any grand jury.

Interpretation of terms.

3. The word "foreman" shall include any member of such grand jury who may for the time being act on behalf of such foreman in the examination of witnesses in support of any bill of indictment; and the word "oath" shall include affirmation where by law such affirmation is required or allowed to be taken in lieu of an oath.

No. 173.

No. 75.

AN ACT to alter and amend an Act, entitled "An Act to assist in providing a sufficient Stipend for the Minister of All Saints Chapel, and to authorize the Lord Bishop of the Diocese to appoint a certain Ecclesiastical Dis-
"trict around it." [Dated 13th September 1861.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Minister's stipend.

1. The Treasurer shall from and after the publication of this Act pay to the duly licensed minister of All Saints Chapel the stipend of two hundred and twenty-five pounds *per annum* in place of the existing stipend of one hundred and fifty pounds.

Residence.

2. The said minister shall reside within the precincts of the district of All Saints' Chapel.

Certificate required.

3. The said sum of two hundred and twenty-five pounds shall be payable quarterly on the certificate of the Lord Bishop of the diocese, or in his absence of the Archdeacon of Antigua, that the said minister has been resident within the precincts of the said district, and the order of the Governor granted on such certificate to the Treasurer.

No. 174.

AN ACT to provide Pastoral Assistance for Parishes of Saint Mary and Saint Philip.
[Dated 4th October 1861.]

WHEREAS it is expedient to provide pastoral assistance for the parishes of Saint Mary and Saint Philip:

Be it enacted by the Governor, the Council, and the Assembly as follows:

1. The Treasurer shall pay to the rector or other the officiating minister of the parish of St. Mary the sum of one hundred and fifty pounds annually by quarterly payments for the maintenance of a curate for the said parish. Provision as to payment of stipend of curate of Saint Mary.

2. The said sum shall be payable while the curacy shall be filled and no longer, and while the said curate shall be resident within the precincts of the said parish. Payment of stipend to be only during residence of curate.

3. The said quarterly payments shall be made upon the certificate of the rector or other the officiating minister for the time being that the curate has been resident within the precincts of the said parish, and upon the order of the Governor granted upon such certificate to the Treasurer. Payment of stipend to be made upon certificate of the rector.

4. The Treasurer shall in like manner and subject to the like provisions pay to the rector or other the officiating minister for the time being of the parish of St. Philip the sum of one hundred and fifty pounds for the maintenance of a curate of the said parish. Provision as to payment of stipend of curate of Saint Philip.

5. This Act shall be in force for the period of seven years from the date hereof, and thenceforward to the next meeting of the Council and Assembly. Duration of Act.

No. 175.

AN ACT for the Purchase of a Piece of Land called Darrell's Wharf for the Establishment of a Public Market thereon. Vide Acts Nos. 177, 178, 230.
[Dated 4th October 1861; Left to its operation by Order in Council dated 19th July 1862.]

WHEREAS it is desirable that a public market should be established in the city of Saint John on a commodious site: And whereas also that piece or parcel of land commonly called Darrell's wharf, and situate between High Street and Long Street on the north and south, and between the sea and the emporium on the east and west, is a convenient and suitable place for such a market: And whereas the said piece or parcel of land, with its rights, members, and appurtenances has been in the possession of the brothers Samuel Lightbourn Darrell and Joseph Darrell of the city of Saint John, merchants and copartners in trade, or of their representatives, for a period of sixty years, but the origin of their title thereto cannot be traced nor the legal estate therein clearly deduced: And whereas the representatives of the said Samuel Lightbourn Darrell appear to be Anne Osbridge Darrell, his widow, and William Lee Darrell and Anne Darrell, their two surviving children, and the representatives of the said Joseph Darrell appear to be Anne Darrell the widow, and Joseph Samuel Wheatland Darrell and Mary Rebecca Darrell, two of the children of the late James Perot Darrell, the surviving son of the said Joseph Darrell: And whereas the said representatives of the said two brothers Samuel Lightbourn Darrell and Joseph Darrell have agreed to sell to his Excellency the Governor, for the use of Her Majesty and Her successors, for the benefit of the community of Antigua and the purposes of a public market, the said piece or parcel of land called Darrell's wharf, with its rights, members, and appurtenances, for a sum to be ascertained and fixed by

a sworn jury of appraisement: And whereas it is expedient in consequence of the unsatisfactory state of the title that the provost marshal should have power to convey to Her Majesty and Her successors the said piece or parcel of land for the uses, intents, and purposes aforesaid, and that such conveyance executed by the said provost marshal should convey the fee simple and inheritance of and in the same, free from all charges, liens, and incumbrances of every nature and kind whatsoever:

Now be it enacted by the Governor, the Council, and Assembly:

Marshal to summon
18 grand jurors,

twelve of whom shall
be sworn as a jury of
appraisement.

1. That it shall be lawful for the provost marshal to summon within seven days after the passing of this Act eighteen of the grand jurors to meet him in the court house in the city of Saint John, on a day and hour to be named in said summons, to view, inquire into the value of, and appraise a certain piece or parcel of land commonly called Darrell's wharf.

2. That from the jurors so summoned and assembled as aforesaid the provost marshal shall draw by ballot twelve jurors to form a jury of appraisement, the parties claiming interest in the premises having their lawful challenges, and shall administer to each of said jurors forming the jury an oath in the form following:

'I A.B. do solemnly swear that I shall well and truly view, appraise, and value a certain piece or parcel of land commonly called Darrell's wharf, in the city of Saint John, with the buildings thereon, and its rights, members, and appurtenances, and the fee simple and inheritance therein.

'So help me God.'

Appraisement to be
made in writing, sub-
scribed, and returned
into Secretary's office.

Penalty of jurors
making default in
attendance, &c.

Appraised value to
be sum at which
premises shall be
purchased.

Provost marshal to
execute a conveyance
thereof.

Governor to draw on
Treasurer for price
of same.

3. An appraisement or valuation of the said premises shall be made in writing and subscribed by each of the jurors of the said jury sworn as aforesaid, and returned by the provost marshal into the Secretary's office within two days after the making thereof.

4. Any person so summoned or drawn by ballot as aforesaid neglecting or refusing to obey such summons, or to perform such duties as are required of him for the purposes of this Act, shall be liable to a penalty not exceeding fifty pounds, to be imposed on him by the Chief Justice upon complaint thereof made to him by the provost marshal, and such penalty or fine shall be recovered in the same manner as other fines imposed by the chief justice on defaulting grand jurors.

5. The sum at which the said piece or parcel of land, with its buildings, rights, members, and appurtenances shall be so appraised and valued as aforesaid shall be the price or sum at which the same shall be purchased and conveyed for the purposes of this Act.

6. The provost marshal shall execute a conveyance to Her Majesty and Her successors of the said piece or parcel of land, with the buildings thereon and its rights, members, and appurtenances, and such conveyance shall operate and enure to grant and convey to Her Majesty the Queen and Her successors, for the benefit of the community of Antigua and the purposes of a public market, the fee simple and inheritance of and in the said piece and parcel of land, with the buildings thereon and all and every their rights, members, and appurtenances, free and absolutely discharged and exonerated from all prior or other liens, charges, and incumbrances, rights, claims, estates, interests, or demands whatsoever of all and every person or persons whomsoever of, in, or to the same, saving and excepting any right or lien which the Crown may have in, to, or upon the same.

7. It shall be lawful for the Governor to draw upon the Treasurer for the sum or purchase money at which the said premises may have been appraised as aforesaid.

8. The said sum or purchase money shall be retained in the hands of the Treasurer for the period of four months, or until the rights of the claimants thereto shall be adjusted.

Treasurer to retain purchase money till claims thereto adjusted.

9. It shall be lawful for any person or persons claiming to be entitled to all or any part of the said sum or purchase money of the said premises to lodge within four months after the making of such grant or conveyance with the secretary of the Court of Common Pleas a written statement of such claim.

Such claims to be lodged with Secretary within four months,

10. It shall be lawful for the Chief Justice upon the expiration of said period of four months to adjudicate upon all and every such claim or claims, and make such rule or rules, order or orders, allocating or distributing the said sum or purchase money, or any part thereof, to one or more of such claimants, and in such manner as to the said Chief Justice shall appear just.

at expiration of which time Chief Justice may adjudicate on claims lodged.

11. That any such order of the Chief Justice made as aforesaid, allocating or distributing the entire or any part of the said sum or purchase money to any person or persons claiming as aforesaid shall be a discharge and acquittance to the said Treasurer for paying to the said person or persons named in such order the sum so allocated or adjudged to him, her, or them.

Chief Justice's orders to be a sufficient discharge to Treasurer paying claims.

No. 176.

AN ACT to consolidate the Militia Laws.

[Dated 29th November 1861.]

1. Every person enrolled in the militia of this Colony now serving in the artillery or infantry, whether as a volunteer or rendered liable to serve by any Act, shall continue and be liable to serve in such militia for the term of four years from the time of his entry upon such service.

Persons now serving in the artillery or infantry corps to continue such service for period of four years from time of its commencement.

2. The artillery corps shall consist of a number not exceeding sixty persons with sufficient non-commissioned officers, and the infantry shall consist of a corps not exceeding two hundred rank and file, with a sufficient number of sergeants.

Respective strength of artillery and infantry corps.

3. Persons with the permission of the Governor may from time to time be allowed to enter as volunteers in the artillery and infantry, provided that such volunteers be approved by the board herein-after appointed and by the Governor.

Volunteers for such corps.

4. The Governor shall by proclamation, as often as he may deem it necessary, require every male person inhabiting within the city of Saint John and within a mile thereof, who shall be above the age of eighteen years and under the age of fifty years, and possessing a yearly income of not less than thirty pounds, including board, lodging, and other allowances, to enrol himself within fifteen days after the publication of such proclamation at the office of the brigade-major of the militia as liable to serve therein; and every person not so enrolling himself shall be liable to a penalty not exceeding five pounds, and shall notwithstanding the payment thereof, or notwithstanding his being imprisoned in default thereof, be at once enrolled by the brigade-major.

Governor by proclamation may require persons liable to serve to enrol themselves in militia within 15 days after such proclamation.

Penalty for not enrolling.

5. Every person of the age and qualified as aforesaid coming to reside in the city of Saint John or within a mile thereof who shall not within three months enrol himself as before required shall be liable to the same penalty, and be enrolled by the brigade-major as last aforesaid.

Provision as to persons subsequently coming to reside within city, &c.

6. A militia board, the members of which shall be appointed by the Governor, shall have power to inquire into and ascertain whether any person of the age, qualified, and residing as aforesaid hath failed to enrol himself as herein-before required, and in case of such default the president of the said board shall make

Militia board to supervise enrolment, and to return names of defaulters to police magistrate,

a return thereof unto the police magistrate or other person acting in that capacity in the city of Saint John, who shall summon the defaulter to appear before him to answer for his default; and if the said defaulter shall not appear before the said magistrate, or if appearing shall fail to show sufficient cause for not enrolling himself, then the said police magistrate or other person acting in that capacity shall convict the said defaulter and adjudge the payment of the penalty aforesaid, and on failure of such payment the said defaulter shall be imprisoned in the common gaol for a period not exceeding thirty days.

and to complete number of said corps out of persons to be drawn by ballot from those enrolled.

7. The said board shall have power and authority to draw by ballot from the male inhabitants of the city of Saint John and its vicinity so enrolled as aforesaid a sufficient number of persons to make up with those who have already volunteered, or who shall volunteer and be approved and enrolled as aforesaid, the aforesaid numbers in the artillery and infantry corps aforesaid: Provided always, that before any person so drawn shall be allowed to serve in the said several corps such person shall be approved of by the Governor; and the said board shall have from time to time power and authority to draw by ballot from the person so enrolled as aforesaid any person or persons of such age so qualified as aforesaid to fill up any vacancy that may occur in any of the said corps by death, change of residence, or otherwise, subject to such approval by the Governor as aforesaid.

Persons so drawn may provide substitute.

8. It shall be lawful for any person drawn by ballot as aforesaid to provide a substitute to serve in his place, subject to such approval as aforesaid.

Cavalry corps.

Owner of every estate averaging 60 hlds. a year to furnish trooper.

9. That for the purpose of raising a mounted force, every owner, possessor, proprietor, or lessee of any estate yielding an average crop for the last seven years of sixty hogsheds of sugar and upwards shall furnish and provide a mounted trooper to form a cavalry corps, the men and horses so furnished to be approved of by the officer commanding the said corps and the two officers next in seniority to him, such trooper to be armed and accoutred as hereby enacted; and to meet the expense attendant on the said corps of cavalry there shall be paid by the owner of all sugar manufactured in and shipped from this Island into the public treasury a tax of three shillings and fourpence on every hogshedd of sugar, two shillings and threepence on every tierce, and fivepence on every barrel of sugar exported from this Colony; and out of the amount so raised every owner, possessor, proprietor, or lessee of any such estate as aforesaid providing a trooper or troopers shall be entitled to a drawback of twenty-five pounds for each trooper, to be paid at the end of each year's service from the public treasury from and out of the said fund: Provided always, that any possessor, proprietor, or lessee of any sugar estate not making the average crop aforesaid shall be at liberty to provide a trooper, to be approved of as aforesaid, and shall be entitled thereon to such drawback as aforesaid; and to entitle any person to any such payment of twenty-five pounds on providing such trooper as aforesaid, the person furnishing the same shall present to the Governor a certificate from the officer commanding the said cavalry corps of his having complied with the terms of this Act in such respect, and thereupon the Governor shall issue his warrant for the payment of such sum of twenty-five pounds; that the Treasurer shall keep a separate account of the monies to be raised and paid as aforesaid; that no sugar shall be cleared for exportation from this Island until the tax so to be levied as aforesaid be paid on the sugar so to be shipped.

Permission to volunteer into said corps.

10. Any person whom the officer commanding the said cavalry corps and the two officers of the said corps next in seniority to him shall approve of shall be permitted to volunteer to serve in the said corps on approval of the Governor.

Precedence to be given to officers of Her Majesty's army.

11. All officers of Her Majesty's army not being field officers having similar rank with the officers of militia shall have precedence of and command such

officers of militia, and any field officer of militia when serving with any field officer of Her Majesty's army shall be under the command of such field officer of Her Majesty's army.

12. Every person enrolled in the said militia shall take the following oath :

' I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (*inserting therein the name of the Sovereign for the time being*), and that I will faithfully serve in the militia of Antigua for the defence of the same during my enrolment in such militia.'

Oath to be taken by persons on enrolment.

Which oath shall and may be administered by the Governor or any justice of the peace of this Colony, which justice shall grant a certificate that such oath has been taken before him.

13. The said militia board shall be authorized to furnish clothing to such members of the militia as shall appear before them, and prove to the satisfaction of the said board their inability to provide for themselves the necessary clothing.

Board to furnish clothing to such militiamen as may be unable to provide.

14. That all persons exempted by any Act of the Imperial Parliament or by any treaty with any foreign power from serving in the militia and the following persons shall be exempted from enrolling or serving in the said militia; that is to say, members of the Council, and the Speaker and members of the Assembly, except as commissioned officers, the chief and puisne justices, the Attorney-General or other person in the discharge of the duties of first law officer of the Crown, master in chancery, Colonial Secretary, provost marshal, coroner, registrar of deeds, the civil engineer, officers of the treasury department, officers of the fire brigade, all persons in holy orders, ministers of religion, medical practitioners, the postmaster, schoolmasters, master of the poorhouse, warden of the Holberton hospital, the harbour-masters of the ports of Saint John and Parham, the Queen's pilot and all branch pilots, the clerk of the Court of Common Pleas, and every person who has held a commission in the militia of this or any other of the British Colonies, and who shall not be employed in the like rank and appointment in the militia of this Colony, shall, until he can be so employed, be exempted from serving in such militia.

Exemptions from service.

15. Every militiaman to be enrolled under this Act shall when drawn by ballot be liable to serve for a period of three years; and every person exempted by this Act from service who shall volunteer to serve and enter upon service in the militia shall be liable to serve as such volunteer for the space of three years.

Persons drawn by ballot liable to serve for a period of three years.

16. Every militiaman whether now or hereafter enrolled shall upon the expiration of his period of service be liable to be again balloted for and drawn for service so soon as those then on the roll shall have been drawn for service.

and to be again balloted for at the expiration of such service.

17. It shall be lawful for the Governor to draw upon the public Treasurer for a sum not exceeding three hundred pounds in each year for the militia service.

Governor may draw 300*l.* in each year for militia service.

18. Every owner, possessor, proprietor, or lessee of any estate required by law to furnish and provide a mounted trooper to form a cavalry corps who shall fail or neglect so to do within thirty days after requisition made by notice in writing signed by the officer commanding for the time being served upon such owner, possessor, proprietor, or lessee, or his lawful attorney, shall be liable to a penalty of twenty-five pounds, to be recovered by distress and sale of the moveable property on or belonging to such estate by virtue of a warrant under the hand and seal of any justice of the peace addressed to the provost marshal; if any trooper serving for any estate shall absent himself without leave from parade or drill for three consecutive days of parade or drill, such absence shall work a forfeiture of all claim to the drawback of twenty-five pounds allowed

Penalty for neglecting to provide trooper.

by law to the owner of any estate furnishing such trooper: Provided always, that it shall be lawful for the Governor to remit such forfeiture in cases where it shall be satisfactorily shown that such absence was caused by illness or other reasonable cause.

Persons drawn to serve with their respective corps on receiving 10 days notice to that effect.

19. Every person drawn to serve in the artillery and infantry and approved by the Governor shall attend for duty with the corps to which he belongs on receiving ten days notice in writing, signed by the commanding officer of such corps; such notice shall be also published in the official gazette; and every person not so attending for duty shall on conviction of such default, on proof of either notice before the police magistrate or other person acting in that capacity in the city of Saint John, be liable to a penalty not exceeding five pounds or to be imprisoned for a period not exceeding thirty days.

Nature and extent of militia service in case of invasion, &c.,

20. In case of foreign invasion or internal commotion, either actual or threatened, it shall be lawful for the Governor to call out and keep embodied and move from place to place the whole or any part of the militia forec, as occasion may require.

and at and on other times and occasions.

21. The Governor shall have power and authority to call out the whole or any part of the militia force for parade or drill so often as he shall think fit, and to appoint the times and places for the assembling of the several corps; provided that there shall not be more than twenty-six assemblies in each year except for inspection or review, and except as regards the cavalry during such time as any cavalry instructor may be employed to train them.

Penalties for not attending drill and for other breaches of discipline,

22. Any officer, non-commissioned officer, or private who shall fail to appear at the hour or place of parade or drill on any day appointed for the same, and shall fail within seven days after such non-attendance to give such reasons in writing, and upon oath made before any justice of the peace to the officer commanding the corps to which he may belong, as shall be deemed satisfactory by such officer, shall be liable if an officer to a fine of forty shillings, and if a non-commissioned officer or private to a fine of twenty shillings; and on occasions of inspections or review such fine shall be doubled; any non-commissioned officer or private appearing on parade or duty with uniform, arms, accoutrements, or horse furniture not properly cleaned or cared for shall be liable to a fine of ten shillings; any non-commissioned officer or private who shall not keep his arms, accoutrements, and ammunition in his own custody, or who shall suffer his arms, accoutrements, or ammunition to be carried by any other person than himself in going to or from parade, or be guilty of using the same when not on duty, shall be liable to a fine of ten shillings; and if any fine so imposed by the commanding officer of the corps to which the offender shall belong shall not be paid, it shall be lawful for the said commanding officer, by warrant under his hand and seal directed to the provost marshal, to commit the offender to the common gaol for a period not exceeding seven days, unless the said fine shall be sooner paid and satisfied; and the adjutant of the said corps shall be entitled to a commission of ten per cent. on the amount of fines so received, and all such fines so collected as aforesaid, after deduction of the amount so allowed to be retained by the adjutant, shall be paid into the treasury of this Island for the public uses, and every warrant shall be in the form in the Second Schedule to this Act annexed.

and for the commission of certain other offences,

23. Any officer, non-commissioned officer, or private who shall be guilty of any of the following offences; *viz.*, who shall disobey the lawful commands of his superior officer, or who shall leave his battalion, corps, company, party, post, detachment, or guard without leave, or who shall not appear properly armed, accoutred, or clothed, or who shall be guilty of talking in the ranks, or any disorder or wilful neglect to the prejudice of discipline or good order when on

duty, or who shall whilst on duty use any reproachful or provoking speeches or gestures, or who shall at any time, whether on duty or not, use any threatening, insulting, or disrespectful language to any superior officer with reference to the conduct of such superior officer while on parade or in the execution of his duty, or who shall not repair with all possible expedition in case of alarm to the place of rendezvous, or who shall be found drunk whilst on duty, or who shall be found sleeping on his post, shall upon conviction thereof before a court martial, if a commissioned officer, be subject to a fine not exceeding five pounds, and if a non-commissioned officer or private to a fine not exceeding two pounds.

24. Any non-commissioned officer or private who shall be guilty of selling or making away with the arms, accoutrements, or ammunition delivered over to him shall on conviction before a court martial be liable to pay treble the value of the articles so made away with. and for making away with arms,

25. Any officer, non-commissioned officer, or private who shall strike a superior officer or use any violence against him being in the execution of his office, on conviction before a court martial shall be imprisoned for a period not exceeding three months at the discretion of such court martial. and for striking a superior officer,

26. Any officer or non-commissioned officer who shall strike or otherwise ill-treat any officer not being his superior officer, or any private, if an officer shall on conviction before a court martial be cashiered, if a non-commissioned officer be reduced to the ranks, and further be fined in a sum not exceeding five pounds, at the discretion of a court martial. or an officer not being a superior officer.

27. Any person serving in any militia corps who shall consider himself ill-treated or aggrieved by a superior officer whilst on duty, and shall on application to his commanding officer be refused redress, may make a written complaint to the Governor through the brigade-major, and the Governor may, if he shall see fit, order a court of inquiry or a court martial to investigate the case. Where redress refused by commanding officer Governor may direct court of inquiry, &c. to investigate case, &c.

28. Every person belonging to the militia shall be allowed a reasonable time for going to and also for returning from any service or parade, and shall not be liable during such time, provided he is in uniform, nor whilst he is on service or parade, to have his person, horse, harness, or conveyance, arrested or taken in execution by any civil process issued out of any court whatever. Militiaman not liable to arrest on civil process whilst on duty or in going thereto or returning therefrom,

29. No person serving in the militia who shall have been once acquitted or convicted by a civil magistrate or jury shall be tried by a court martial for the same offence, and no person once acquitted or convicted by a court martial shall be tried again by a court martial for the same offence. nor to be tried a second time for the same offence of which he was previously acquitted or convicted.

30. All appointments of non-commissioned officers shall be made by the officers commanding corps, troops, or companies, who shall take into consideration the recommendation of officers in command of companies. Non-commissioned officers to be appointed by commanders of corps.

31. Every horse ridden or used by any officer or private whilst on duty in the cavalry corps shall be at least fourteen hands in height, and no horse whatever shall be ridden or used on service unless first approved by the commanding officer. Requisites of cavalry horse.

32. The several corps shall be armed, accoutred, and clothed as directed in the Third Schedule to this Act annexed. Arms, &c. of several corps to be in accordance with directions in Schedule 3.

33. All regulations for the arrangement of signals for firing and discharging of alarms, for moving the different corps, and also for appointing the posts to be originally occupied by the several corps on every alarm, shall be appointed by the Governor from time to time as may be found necessary. Governor to regulate the arrangement of signals, the firing alarms, &c. &c.,

34. It shall be lawful for the Governor from time to time to direct the whole or any portion of any corps to assemble for the preservation of order or the protection of property on occasions of fire, and any person neglecting to obey such orders shall be subject to a penalty of one pound or imprisonment for and, on occasions of fire, &c., may direct the assembling of the militia.

fourteen days to be enforced in like manner as penalties for non-attendance at drill under section twenty-two.

Declaration of martial law.

35. Upon all general alarms by day or night whenever the Governor shall think it necessary for the public benefit to declare martial law, martial law shall be in full force in this Colony or any part thereof; provided that the same shall not continue beyond the space of forty-eight hours without the consent of the Council and Assembly.

During martial law, and whilst on duty, militiamen amenable to provisions of Mutiny Act.

36. Whenever martial law shall be in force, and also on the respective days appointed for parade and drill from the time appointed for the assembling of any corps until it shall be dismissed from parade by the officer in command, and also whenever any corps or guard or detachment is required to do militia duty, every person liable to do militia duty or being thereon shall be liable and subject to the provisions and penalties (except corporal punishment) contained in the Act of Parliament of the United Kingdom of Great Britain and Ireland which shall be then in force for punishing mutiny and desertion in the army, and the articles of war made in pursuance thereof.

Sittings of courts martial and apprehension and trial of offenders.

37. It shall and may be lawful for any court martial to sit and try all delinquents belonging to the militia for offences cognizable by such court martial, although martial law shall not be in force at such sitting and trial; and if any officer or private shall be put in arrest, he shall at the ceasing of martial law remain under arrest until he shall either be tried by a court martial or shall be lawfully discharged by proper authority: Provided always, that all offenders who being in arrest or in confinement cannot be tried during the continuance of martial law shall be tried within three days at farthest after such law shall cease; and if any delinquent liable to be tried by a court martial by virtue of this Act shall not be in arrest or in custody, or having been so shall have escaped therefrom, it shall and may be lawful for the colonel or commanding officer of the corps to which such delinquent shall belong, if martial law shall not then be in force, to issue a warrant under his hand and seal directed to any constable to apprehend the said delinquent, and he so apprehended shall be by the said commanding officer sent to the common gaol, there to remain under confinement unless he shall produce good and sufficient security for his appearance when a court martial can be assembled for the trial of such delinquent; but in case the said delinquent shall have escaped from custody, or have broken his arrest, he shall not be allowed to give security for his appearance, but shall be committed to actual confinement until the meeting of such court martial: Provided always, that every such delinquent shall be tried within three days at farthest after he shall be in custody.

Governor by warrant may direct courts martial to be held when necessary.

38. It shall be lawful for the Governor to grant a warrant under his hand and seal to hold and erect courts martial within this Colony whenever the same may be necessary; which courts martial shall have and are hereby declared to have full power and authority to sit, and if necessary to adjourn from time to time, in order to try, hear, and determine all offences which by this law are directed to be tried by general courts martial: Provided always, that no person or persons shall be adjudged by the said courts martial to suffer any punishment extending to life or limb when the militia are out for training only, or at any other time except during time of war or public commotion, and then only for such crimes as are expressed to be so punishable by the Act of Parliament of the United Kingdom of Great Britain and Ireland which shall be then in force for punishing mutiny and desertion in the army, and the articles of war made in pursuance thereof, and that no corporal punishment whatever shall be ordered by sentence of any courts martial; and all offences not punishable by death shall be punished by fine or imprisonment, or both, as the courts martial before

whom the same shall be tried by their sentence order and direct; and provided also, that no person convicted of any offence shall by the sentence of a court martial be adjudged to be imprisoned for a longer time than the space of six months, except the court martial shall inflict a pecuniary fine as well as imprisonment, in which case he shall be further imprisoned until the fine be paid.

39. Whenever there shall be occasion for the sitting of a general court martial for the trying of any offender or offenders, it shall be lawful for the Governor upon application being made to him for that purpose from time to time to issue a warrant under his hand and seal directed to the judge advocate herein-after mentioned for the holding and assembling of all general courts martial, and shall in such warrant appoint the time and place when and where such court shall be held, and nominate the officers to preside in such courts and such officers to sit as members thereof as he may think fit, whether such officers belong to the same corps with the delinquent or not, and directing the said judge advocate to summon such and so many officers as by this law are made necessary to constitute the court, all the witnesses whose names shall have been given in to attend at the same time and place, which in the warrant shall be clearly and fully expressed.

Such warrant, in the case of a general court martial, to be directed to judge advocate.

40. All offences committed by officers, and all capital offences committed by non-commissioned officers and private men, shall be tried by general courts martial only, which general courts martial shall not consist of a less number than nine members, whereof the president shall not be under the degree of a field officer, and no field officer shall be tried by any person under the degree of a captain; and such courts martial shall and are hereby declared to have power and authority and are hereby required to summon all persons necessary and to administer an oath to every witness, in order to the examination or trial of any of the offences which shall come before them: Provided always, that in all trials of offenders by general courts martial to be held by virtue of this Act, every officer sitting upon such trial before any proceedings be had thereon shall take the following oaths upon the holy evangelists before the court and the person officiating as judge advocate (who is hereby authorized to administer the same), in these words; that is to say,

Offences triable by general courts martial, and powers and constitution of such courts.

‘ You shall well and truly try and determine according to the evidence in the matter now before you between our Sovereign Lady the Queen and the prisoner to be tried. Oath to be taken by members of such court martial,

So help you God.’

‘ I A.B. do swear that I will duly administer justice according to the laws of this Island now in force for regulating the militia of this Island, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said laws, according to my conscience, the best of my understanding, and the custom of war in like cases; and I do further swear that I will not divulge the sentence of the court until it shall be approved of by his Excellency the Commander-in-Chief of the Island for the time being, neither will I upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law.

‘ So help me God.’

And as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the person officiating as judge advocate an oath in the following words; that is to say,

‘ I do swear that I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help me God.’

No sentence to be given unless six officers concur in same, which must be approved of by Governor.

41. No sentence shall be given against any officer by any general court martial unless six officers present shall concur therein, and if there shall be more officers than nine the judgment shall pass by the concurrence of two-thirds of the officers present; and no sentence of a general court martial shall be carried into execution until approved of by the Governor, who shall write the word “approved” at the end of the proceedings of the said court, and sign his name thereon, with the date when the same shall be so approved, and annex a warrant thereby ordering the colonel or commanding officer of the corps to which the delinquent shall belong to have the said sentence carried into execution, provided such approbation shall be signified as aforesaid: And provided always, that the party tried by any general court martial shall be entitled, from the person officiating as judge advocate, to a copy of the proceedings and sentence of such court martial, upon demand thereof made by himself or any person on his behalf at any time not sooner than one calendar month after such sentence shall have been passed: And provided also, that no officer or soldier being acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court martial for the same offence, unless in case of an appeal from a regimental or garrison court martial to a general court martial, and that no sentence given by any court martial and signed by the president thereof be liable to be revised more than once.

Except during martial law no militia-man shall be tried for any military offence, unless a complaint thereof in writing shall have been previously made to Governor, &c. &c.

42. Provided nevertheless, That no officer or private man, not being put in arrest or confinement by a superior officer when martial law is in force, shall be tried by a court martial for any offence committed against this Act, unless a complaint of the offence be made in writing to the Governor or to the colonel or commanding officer of the regiment or corps to which the offender shall belong, within twenty-four hours after the offence shall come to the knowledge of the person complaining, or unless a court martial shall be ordered to try such offender by the Governor; and every person so complaining shall in his complaint fully state the charge against the offender, and shall annex thereto the names of every witness to be produced in support thereof, and shall sign his own name thereto; and every colonel or commanding officer of a corps is immediately on receiving such charge to cause the offender to be put in arrest, and thereupon the Governor shall transmit to the judge advocate a true copy only of the charge and of the names of the witnesses which may have been left with the Governor, which copy of such charge and the names of the witnesses thereto shall be authenticated under the hand of the Governor, and when so authenticated shall be considered in all respects valid and effectual; and the said judge advocate is hereby required upon all occasions without delay to furnish every prisoner to be tried by a general court martial with a copy of the charge and the names of the witnesses against him, and to demand from him a list of the witnesses to be produced by him in his defence, and the said judge advocate is then further required to deliver to the adjutant of the corps to which the prisoner belongs the names in writing of all the witnesses to be produced on both sides, in order that they may be summoned as by this Act is directed.

Jurisdiction and constitution of regimental courts martial.

43. The commissioned officers of every regiment or corps of militia may, by the orders and appointment of their colonel or commanding officer hold regimental or garrison courts martial for the inquiring into such offences, crimes, or disputes as are not directed to be tried by a general court martial, which regimental or garrison courts martial shall have and are hereby declared to have full

power and authority to sit, and if necessary to adjourn from time to time in order to hear, try, and determine all such offences, crimes, and disputes, or other matters as may come before them, and to punish the offender therein by fine or imprisonment, or both, and are hereby also authorized and required to summon all persons as witnesses or otherwise necessary thereto: Provided always, that no regimental or garrison court martial shall consist of less than five officers, and the president thereof shall not be under the degree of a captain, and that the members give judgment by a majority of voices, and in all their proceedings they do govern and conduct themselves by the proceedings and customs of regimental courts martial of Her Majesty's army, and provided that no sentence shall be executed till the colonel or commanding officer of the corps shall have confirmed the same.

44. It shall and may be lawful for the Governor to appoint from time to time some fit person to be judge advocate for the corps of militia of this Island, which said judge advocate is hereby authorized and empowered to act in his said capacity, and to prosecute in Her Majesty's name all that may be tried by general courts martial hereafter to be held, and in all respects to act as the judge advocate of Her Majesty's army usually does act.

Appointment of judge advocate.

45. Every delinquent liable to be tried by a regimental court martial shall be tried by the officers of the corps to which such delinquent shall belong; but if there shall not be a sufficient number of officers of that corps, or a sufficient number able to attend, it shall and may be lawful for the colonel or commander of such corps, by a warrant under his hand and seal directed to the adjutant thereof, to summon so many officers of any other corps of militia as will with the officer or officers of such corps make up not less than five members, the president thereof not to be under the degree of a captain, to form a garrison court martial for the trial of all delinquents or offenders that otherwise would be liable to be tried by a regimental court martial; and which garrison court martial shall have the same power with and be appointed and governed in the same manner as a regimental court martial is by this law authorized and directed.

In case of insufficiency of officers to form a regimental court martial, delinquent to be tried by a garrison court martial.

46. All courts martial shall be held at the court house in the city of Saint John, except any other place shall be particularly named and appointed in the warrant issued for the assembling of such courts martial; and all officers of the same rank upon courts martial, whether of the same corps or not, shall take their places according to the dates of their respective commissions and not otherwise; and in giving their opinions upon all occasions the youngest shall vote first, and so on to the eldest; and every officer or other person who shall neglect or refuse to attend as a member of a general court martial, either at the first sitting or at any adjournment thereof, or as a witness thereon, when duly summoned, shall forfeit and pay for every omission in attending the sum of ten pounds, to be recovered by warrant under the hand and seal of the president of the said court martial directed to the adjutant of the corps to which the original delinquent shall belong, which said warrant shall be issued within forty-eight hours after the rising of the court on the day when the member or witnesses, as the case may be, was required to attend as aforesaid, except a good and sufficient excuse shall be made to the said court martial: Provided always, that every officer or other person who shall be nominated to sit as a member of a general court martial, or to attend thereon as a witness, shall have notice in writing from the judge advocate of the time and place appointed for the sitting thereof, which notice being personally served or left at the last place of abode of such officer or other person nominated and required to attend as aforesaid, at least forty-eight hours before the sitting of the court, shall be deemed sufficient notice thereof.

Courts martial to be held at court house unless otherwise directed.

Practice to be observed on such courts, &c.

Authority to punish persons disturbing their proceedings.

47. Every person who shall use menacing words, signs or gestures, in the presence of a court martial then sitting, or shall cause any disorder or riots so as to disturb their proceedings, shall be punished at the discretion of the said court martial; and if any officer or private man shall presume to draw his sword or any other weapon in the presence of a court martial then sitting he shall immediately be tried by the same and suffer such punishment as the said court martial shall by their sentence inflict.

Appeal from sentence of regimental or garrison court martial to general court martial.

48. Every person who shall think himself aggrieved by the determination of a regimental or garrison court martial may and is hereby declared to have liberty to appeal therefrom to a general court martial, in which case the colonel or commanding officer to whom the sentence of the said regimental or garrison court martial is to be reported for his determination thereon is hereby required to stay the execution of the said sentence until the said appeal can be heard; and if the said general court martial to which the said sentence shall be referred shall find such appeal to be frivolous or malicious, it shall and may be lawful for the said general court martial by the sentence thereof to add to the sentence of the regimental or garrison court martial in such manner as may be determined upon, and the said appellant shall and is hereby declared to be liable to the sentence of both courts: Provided always, that the additional sentence of the general court martial shall not be more or greater than the sentence of the regimental or garrison court martial already passed, and if the general court martial to whom upon an appeal the sentence of a regimental or garrison court martial shall be referred shall find the same unjust or too great, and the appellant thereby aggrieved, the said general court martial shall and is hereby declared to have full power and authority by their sentence to release the said appellant altogether from the sentence of the regimental or garrison court martial, or to discharge him from confinement, or to mitigate or to lessen the said sentence, in such manner as the general court martial shall think proper.

Penalty for resisting execution of sentence of courts martial.

49. Every delinquent who shall resist an adjutant, or the men assisting him, in the execution of any sentence of any court martial, or who being in custody of any guard ordered to conduct such delinquent to and from any place of confinement, shall endeavour to rescue himself and make his escape, and any person belonging to the militia who shall assist any delinquent in resisting such sentence, or in attempting to rescue him or make his escape, shall be tried for such offence by a general court martial, and being thereof convicted shall be punished as the said court martial shall by their sentence direct; and any other person so assisting shall be guilty of a misdemeanor.

Places in which military delinquents may be confined before and after trial.

50. Every delinquent ordered by his commanding officer to be confined before trial shall be sent to a police station, whichever shall be nearest, and all delinquents ordered by sentences of courts martial to be confined shall be sent to the common gaol, there to be delivered into the custody of the gaol keeper: Provided always, that no delinquent shall be sent to the common gaol without a warrant from the colonel or commanding officer of the corps to which such delinquent shall belong, or from the president of the court martial which shall have tried such delinquent, which warrant shall recite his crime or the sentence of the court martial, as the case may be, and shall be under the hand and seal of the said colonel or commanding officer or president of the court martial, and directed to the keeper of the gaol.

No commissioned officer to be cashiered except by general court martial.

Payment of fines.

51. No commissioned officer attached or belonging to either of the corps of militia shall be cashiered but by the sentence of a general court martial, and every pecuniary fine imposed upon a delinquent by the sentence of a court martial shall be immediately paid down on the sentence being declared (except on appeal) into the hands of the president of the court, to be by him applied as

by this Act is directed; and every delinquent who shall refuse or be unable to pay down the fine so imposed on him shall be committed to the common gaol by warrant directed to the provost marshal under the hand and seal of the president of the said court martial, and shall there remain until the said fine and all charges of commitment are fully paid and satisfied.

Recovery of fines.

52. Nothing in this Act contained shall be construed to extend to exempt any officer or private of militia from being proceeded against by the ordinary course of law when accused of felony or misdemeanor.

Accused of felony or misdemeanor militia-men not to be exempt from being proceeded against in ordinary course of law.

53. All fines and forfeitures imposed by this Act shall be paid into the Treasury of this Island for the public uses; and if any constable shall refuse or neglect or wilfully delay to do anything required of him by virtue of this law, such constable so offending being convicted thereof upon oath before a justice of the peace shall forfeit and pay for every such offence the sum of two pounds to be paid into the public Treasury and applied as above stated, and if such offending constable shall not immediately pay such penalty, the same shall be levied by distress and sale of his goods and chattels by warrant under the hand and seal of such justice, and directed to any other constable, rendering the overplus (if any) on demand after deducting the charges of such distress and sale of such offender upon whom such distress shall have been made as aforesaid, and for want of sufficient distress such justice shall commit such offending constable to the common gaol, there to remain until the said penalty shall be paid.

All fines to be paid into the Treasury. Penalty on constables neglecting to carry out requisition of this Act.

54. It shall be lawful for the Governor with the consent of the Council by warrant under his hand to draw upon the public Treasury for payment of any necessary expenses incurred in carrying out the provisions of this Act.

Provision for defraying necessary expenses of Act.

55. If any person shall at any time hereafter be sued for anything done by him in pursuance of this Act he may plead the general issue and give this Act in evidence for his defence, and in case such action should be found against the plaintiff, or if the plaintiff shall be barred, become nonsuited, or discontinue his suit, such plaintiff shall pay double costs.

Party sued for anything done under this Act may plead the general issue, &c.

56. The provisions of this Act shall apply to all militia forces now embodied, or to be hereafter embodied under this or any existing or future Act of this Island.

Provisions of this Act to apply to all present or future militia forces.

57. Every person employed as a matross in any fort or battery shall receive the pay or allowance of two pounds five shillings per month, and shall not be at liberty to quit his service without having first given one month's notice of his intention to leave to the captain of the fort to which he belongs or to the Governor; and every such matross during the time he shall serve or be liable to serve shall be subject to the provisions and penalties, except corporal punishment, of the Act of Parliament for the time being in force for punishing mutiny and desertion in the army, and the articles of war made in pursuance thereof, and of this Act.

Pay of matrosses of forts.

Matrosses amenable to provisions of Mutiny Act.

58. The form of warrant set forth in the first schedule to this Act shall be the form of warrant (*mutatis mutandis*) to be used by every magistrate authorized to hear and determine any complaint for any of the offences mentioned in this Act.

Form of warrant to be used by magistrate in adjudication under this Act.

FIRST SCHEDULE.

ANTIGUA.

By *A.B.* Police Magistrate of

WHEREAS it appears to me on the complaint of the president of the militia board, that being a person duly qualified, did fail to enrol himself as liable to serve in the said militia within the time prescribed by the "Act to consolidate the Militia Laws of this Island:"

And whereas the said being duly summoned by me to answer for his default, has : And whereas the said has incurred the fine of which he has refused to pay :

These are therefore to authorize and command you forthwith to convey the said to the common gaol and deliver him to the keeper thereof, with this precept ; and you the said keeper are hereby commanded to receive the said into your custody in the common gaol, there to be kept and imprisoned for the space of days, unless such sum shall be sooner paid or satisfied.

To the provost marshal of the Island of Antigua, or his lawful deputy.

SECOND SCHEDULE.

ANTIGUA.

By *A.B.* commanding officer of

WHEREAS *C.D.* of said corps did (*specify the offence as thus: fail to appear at the place of parade, or drill, or inspection, or review, or as the case may be,*) on the day of being a day appointed for the same, and did fail within

seven days after such non-attendance to give satisfactory reasons for such absence to me the said *A.B.* his commanding officer, contrary to the provisions of the Act to consolidate the militia laws :

And whereas by such offence the said *C.D.* has incurred the fine of which the said *C.D.* hath refused to pay :

These are therefore to authorize and command you forthwith to convey the said *C.D.* to the common gaol and deliver him to the keeper thereof, with this precept ; and you the said keeper are hereby commanded to receive the said *C.D.* into your custody in the common gaol, there to be kept and imprisoned for the space of days, unless such sum shall be sooner paid or satisfied.

To the provost marshal of the Island of Antigua, or his lawful deputy.

THIRD SCHEDULE.

SCHEDULE of ARMS and CLOTHING.

Artillery.

Arms and Accoutrements :—

Officers.—Regulation sword, white waist belt and slings, glazed leather pouch and white shoulder belt.

Sergeants.—Regulation sword, white shoulder belt, red sash.

Rank and File.—Musket and bayonet, accoutrements of buff leather.

Clothing :—

Coat.—Tunic, blue cloth, scarlet collar and slash on sleeves, lace for officers and sergeants, silver ; rank and file, worsted, $\frac{3}{4}$ inch broad ; sergeants, three chevrons on arm, buttons white metal, artillery pattern.

Trowsers.—Blue cloth with red stripe, two inches wide on outer seam.

Busby.—Similar to that worn by the regular army.

Cap.—Blue cloth, leather peak, white worsted band, $1\frac{1}{2}$ inches wide ; officers, silver lace.

Stock.—Black, of soft materials.

*Cavalry.***Arms and Accoutrements :—**

Officers.—Regulation sword for light cavalry, scarlet leather sword belt, embroidered with silver, pouch belt same as sword belt, black leather pouch embroidered with silver, cavalry pistol.

Non-commissioned officers and Rank and File.—Light cavalry sword, white waist belt with slings, cavalry pistol, steel spurs crane necked, two inches long.

Saddles.—“Nolan’s,” for light cavalry, with pistol holster, and wallet and valise.

Bridles.—Same as for light cavalry of regular army.

Clothing :—

Tunic.—Light blue, same shade as that used by East India cavalry, facings scarlet, lace for officers and sergeants silver, for rank and file worsted.

Cloak.—Of material and colour at the discretion of the colonel or commanding officer of the corps.

Trowsers.—Same colour as the tunic, with two narrow stripes of silver lace, or white worsted on a red ground.

Chaco.—Scarlet, with white patent leather, ornaments plated or of white metal.

Stock.—Black, of soft material.

*Infantry.***Arms and Accoutrements :—**

Officers.—Regulation sword, white waist belt with slings, red sash.

Sergeants and Rank and File.—Minie rifle and bayonet.

Accoutrements, buff, with black pouch to contain 30 rounds ; sergeants, red sash.

Clothing :—

Coat.—Tunic scarlet cloth, lace, silver for officers and sergeants, worsted for rank and file $\frac{3}{4}$ inch wide, buttons, white metal, A. R. C. within a wreath.

Trowsers.—Blue cloth, with red welt on outer seam.

Chaco.—Similar to that of the regular army.

Cap.—Blue cloth, leather peak with device in front, A. R. C. within a wreath, officers black silk lace.

Stock.—Black, of soft material.

Non-commissioned officers to wear chevrons on both arms, sergeants three, corporals two.

The whole to have twisted cord on shoulders of coat.

Undress uniform for the artillery, cavalry, and infantry to be at the discretion of the commanding officer.

No. 177.

AN ACT to authorize the Treasurer to raise by Loan on the Public Credit the Sum of Two thousand Pounds Sterling, for the Establishment of a Public Market. Repealed.
Vide Acts Nos. 175,
178, 230.

[Dated 6th December 1861 ; Left to its operation by Order in Council dated 19th July 1862.]

No. 178.

AN ACT to establish a Public Market in the City of Saint John.

[Dated 30th January; Left to its operation by Order in Council dated 19th July 1862.]

Preamble.

No. 175.

WHEREAS the water lot, wharf, land, stores, and premises, commonly known as "Darrell's Wharf," by virtue of an Act, entitled "An Act for the Purchase of a Piece of Land called 'Darrell's Wharf,' for the Establishment of a Public Market thereon," and by an indenture bearing date the twenty-second day of October last, made between Joseph Lever Bindon, provost marshal, of the one part, and Her Majesty Queen Victoria of the other part, reciting as therein is recited, stand vested in Her Majesty, Her heirs and successors, for the benefit of the community of Antigua, and the purposes of a public market: And whereas it is expedient to establish such public market:

Be it enacted by the Governor, the Council, and the Assembly as follows:

Governor to appoint commissioners of market,

1. It shall be lawful for the Governor to issue his commission to one member of Her Majesty's Council and three members of the House of Assembly constituting them commissioners of the public market, and from time to time, in case of the absence, death, or refusal, or incapacity to act of any of the said commissioners to appoint some other member or members of Her Majesty's Council and of the House of Assembly, as the case may be, to be a commissioner or commissioners to act in the execution of this Act, and three of the said commissioners shall form a quorum for the transaction of business.

who are to hold their office during pleasure, &c.,

2. The said commissioners shall hold their appointment during the pleasure of the Governor, and subject thereto shall, notwithstanding any dissolution of the House of Assembly, continue in the execution of the trusts, powers, and authorities in them vested; and if any commissioner appointed from the House of Assembly shall fail to be elected a member of the next House of Assembly he shall cease to be a commissioner, and it shall be lawful for the Governor to appoint another or others from the House of Assembly in his or their place or stead.

and make solemn declaration before entering into the duties of their office.

3. The said commissioners, before they shall enter upon the execution of the trusts, powers, and authorities herein-after vested in them, shall make a solemn declaration before the Governor for the faithful execution of the said trusts powers, and authorities.

Commissioners with aid of civil engineer to erect market, &c.,

4. The said commissioners shall, with the aid of the civil engineer, cause to be erected on the said lands and premises suitable and convenient buildings and sheds, and shall provide all other necessary accommodation for such market, and from time to time make such alterations, improvements, and additions thereto as shall be deemed eligible and expedient.

and repair wharf, &c.,

5. Secondly, shall cause the wharf and frontage of the said land and premises to be repaired, and if necessary to be extended and restored to good order and condition; and,

construct slaughter-houses, &c. &c.

6. Thirdly, shall cause to be constructed a suitable slaughter-house on the said premises, or if the same cannot with advantage be established on the said premises shall rent any premises conveniently adapted to the purposes of such slaughter-house, and shall cause to be erected thereon a suitable building or buildings, and shall have the same fitted up with all necessary requirements for the accommodation of butchers in the slaughtering of animals of every description, and such slaughter-house, whether in the public market or otherwise, shall be deemed and taken to be the public slaughter-house.

Not lawful hereafter to expose butcher's meat, &c. for sale in

7. It shall not be lawful to expose for sale in any public street, lane, or alley in the city of Saint John any butcher's meat, poultry or other live stock, turtle,

fish, fruit, roots, grain, vegetables, wood, charcoal, canes, or grass, under a penalty for every offence not exceeding thirty shillings. public streets, lanes, &c. of city,

8. It shall not be lawful for any person to slaughter animals for sale at any other place within the limits of the city of Saint John, or within a half mile of the said limits, than the said public slaughter-house, under a penalty for every offence not exceeding ten pounds. nor to slaughter animals within half a mile of city out of slaughter-house.

9. The said commissioners are hereby authorized and empowered to frame rules and regulations for the good government of the said market and slaughter-house, to establish rates and tolls for selling in the said market and slaughtering in the said slaughter-house, and from time to time to rescind, alter, and amend the same, which said rules and regulations, rates and tolls, shall be submitted for approval to the Assembly, the Council, and the Governor, and when approved shall be published in the official gazette, and shall from and after the expiration of fifteen days from the date of such publication have the force and operation of law; and if any person shall violate any one or more of the said rules and regulations he shall for the violation of every such rule and regulation be subject to a penalty not exceeding thirty shillings. Commissioners to frame rules and regulations for government of market, and to establish tolls, &c.

10. It shall not be lawful for any person to buy up and resell in the public market any articles or things whatsoever brought into the said market for sale, unless such person be furnished with the licence of a huckster from the Treasurer, which licence shall be in force for six calendar months, and for which the sum of ten shillings shall be paid to the Treasurer: Provided always, that it shall not be lawful for the person having such licence as aforesaid to purchase any articles or things in the said market for the purpose of re-vending the same until after the hour of three o'clock of any day; and if any person shall buy and re-sell any article or thing in the said market contrary to the provisions herein-before made he shall be liable to a penalty not exceeding thirty shillings. None but licensed hucksters to buy and resell in market.

11. It shall be lawful for the Governor to appoint a clerk of the market, who shall act also as a collector of tolls, who shall receive a salary of one hundred pounds, who shall give his undivided time and attention from sunrise to sunset to the purposes of the market and slaughter-house, and whose duty it shall be to inspect all animals intended for slaughter, and to see that no unhealthy or diseased animal is slaughtered, and to cause all offal and offensive matter to be removed from the slaughter-house, to see that cleanliness, order, and decorum be at all times observed in the said market and slaughter-house, and that the rules and regulations for the government of the same be duly enforced, and to cause the said market to be opened daily at sunrise, and be kept open until sunset, Sundays, Christmas Day, and Good Friday, and any day set apart for divine worship by proclamation from the Governor, excepted. Clerk of the market to collect tolls, inspect animals intended for slaughter, &c.,

12. It shall be the duty also of the said clerk of the market, if any tainted or unwholesome butcher's meat or fish shall be offered for sale in the said public market, to seize and have the same burnt or otherwise destroyed; and if any question shall arise whether the meat or fish so seized is unwholesome and unfit for use, the said clerk of the market shall call together any three disinterested and competent persons to examine the meat or fish so seized and to give their opinion thereon, and the said clerk of the market shall act according to the opinions or the majority of them so to be given by the said three persons. and seize tainted meat, &c.,

13. The said clerk and collector of tolls shall at the end of every week or oftener, if required so to do, account with the said commissioners or one of them for all sums of money received by him under the authority of this Act, and after deducting therefrom any necessary expenses sanctioned by the said commissioners pay over the balance thereof to the said Treasurer. account weekly or oftener for all monies received,

and give security for the faithful discharge of his duty.

14. The said clerk and collector of tolls shall enter into a bond to Her Majesty, Her heirs and successors, for two hundred pounds, with two good and sufficient sureties in one hundred pounds, to be approved by the said commissioners, conditioned for the faithful discharge of the trust reposed in him and the due accounting for all sums of money received by him, and he shall before he enters on the duties of the appointment appear before the police magistrate of the city of Saint John, and take the following oath, to wit:—

‘ I A.B. do swear that I will well and faithfully, according to the best of my ability, execute the duties of clerk of the market and collector of tolls required of me by an Act of this Island, entitled “ An Act to establish a “ Public Market in the City of Saint John,” and especially that I will truly and honestly render a just and true account of all sums of money which shall come to my hands under the authority of the said Act. So help me God.’

And a certificate of the oath having been so taken shall be furnished by the said police magistrate to the said commissioners.

Penalties for obstructing clerk of market in execution of his duty, &c.

15. If any person shall oppose or obstruct the said clerk of the market in the execution of his duty, or shall by any ways or means make, create, or cause any riot or disturbance in the said market or at or near the same during market hours, every person so offending shall for every such offence be liable to a penalty not exceeding thirty shillings.

Commissioners to make periodical inspection of market, &c.

16. The said commissioners shall from time to time inspect and examine the buildings and premises of the said public market and slaughter-house and have all necessary repairs made thereto, and all requisite weights, measures, and other articles and things duly supplied and furnished for the said public market.

Action for anything done under the Act to be brought within one month after cause of action shall arise.

17. If any action or suit shall be commenced against any person for anything done in pursuance of this Act, or in relation to any matter therein contained, such action or suit shall be brought in one month after the cause of action shall have arisen and not afterwards, and the defendant in every such action or suit may plead the general issue and give this Act and the special matter in evidence.

Recovery of penalties.

18. All penalties imposed by this Act shall be recoverable before a police magistrate, and upon conviction of the offence, and nonpayment of such penalty with costs adjudged, the said magistrate shall commit the offender to the common gaol, with or without hard labour, for any period not exceeding one calendar month, or until such penalty and costs be paid, and every such penalty shall be paid to the Treasurer on the public account.

Governor on certificate of commissioners to issue warrant for payment of expenses.

19. It shall be lawful for the Governor, upon the certificate of the said commissioners, to issue his warrant to the Treasurer authorizing the payment of all expenses incurred in the execution of this Act: Provided always, that the expenditure to be incurred for the establishment of the said market and slaughter-house, including the purchase money for the land and premises, the erection of buildings for such purposes, and the repair and extension, if necessary, of the wharf and frontage of the said market, shall not exceed on the whole the sum of two thousand pounds.

Application of monies received under this Act.

20. The monies paid to the Treasurer under the authority of this Act shall be applied in payment of the expenses incurred by virtue of the same, and after payment thereof shall be applied to the public uses of the Colony.

Market to be opened at time to be fixed by Governor by proclamation.

21. The said market and slaughter-house shall be opened at such time as shall be fixed by the Governor by proclamation, and so much of this Act as prohibits the sale of articles except in such market, or the slaughter of animals

except in such slaughter-house, or a slaughter-house licensed as aforesaid, shall come into operation from the time fixed in such proclamation, and not before, and the salary of the clerk of the market shall commence from the establishment of such market.

RULES OF THE PUBLIC MARKET.

Approved,

STEPHEN J. HILL,

9th November 1863.

The opening and closing of the market shall be notified by the ringing of a bell. Within 20 minutes after the bell shall have been rung for the clearing of the market, all persons shall be bound to quit the same on pain of being turned out by the clerk of the market, with the assistance of the police, and in addition of incurring the penalty prescribed by the 15th clause of the Act.

2. Articles brought into the market will be admitted free of tolls (excepting fresh fish and the meat of animals slaughtered otherwise and brought to the market for sale), and the revenue for the support of the market shall be collected from the rent of stalls and stands and the fees paid for the use of the slaughter-house.

3. The clerk of the market and the inspector of weights and measures may at all times inspect and examine the weights, beams, scales, and measures in use in the market; and any person found in the possession of any beam, scale, weight, or measure not correct, true, and legal, shall be liable to the penalty prescribed under the 9th clause of the Act, and every false beam, scale, weight, and measure shall be forfeited and broken up, and the materials of which it is composed sold and the proceeds applied in aid of the market revenue.

4. The clerk of the market shall cause all the stalls and stands to be numbered and registered in a book to be kept by him for that purpose, with the name of each tenant or occupier, the date when the tenancy commenced, the amount of rent, day when such tenancy ceased, and the cause of its ceasing.

5. The commissioners of the market shall fix the rent of each stall and stand, to be paid weekly in advance, and any tenant refusing or neglecting to pay his or her rent as aforesaid shall not be permitted to occupy such stall or stand, and it shall be the duty of the clerk of the market to remove such person and his or her goods from such stall or stand forthwith.

6. Every renter of a stall or stand shall be bound to give three days notice of his intention to quit the same.

7. The tenant or occupier of any stand or stall shall have his name in legible characters placed in such part of the front of his stall or stand as the clerk of the market shall direct.

8. Every tenant or occupier of a stand or stall shall be bound to keep the same properly clean and free of all filth and dirt of any kind, and no articles shall be kept in any stall or stand except such as are intended for sale or are required for the purposes of the stall.

9. For every animal for which application for admission into the slaughter-house shall be made, there shall be paid to the clerk of the market before such admission the following fees:

	s.	d.
For every ox, cow, steer, or heifer	-	- 3 0
For every calf	-	- 1 6
For every sheep or goat	-	- 0 8
For every lamb or kid	-	- 0 4
For every hog or pig	-	- 0 8

And for the meat of animals slaughtered otherwise and brought into the market for sale, there shall be paid before such admission :

	<i>s.</i>	<i>d.</i>
For every quarter or part of a quarter of beef -	-	1 6
For every quarter or part of a quarter of veal -	-	0 9
For every quarter or part of a quarter of mutton -	-	0 6
For every quarter or part of a quarter of pork -	-	0 6

10. The clerk of the market shall keep a register of all animals admitted into the slaughter-house, specifying their kinds, colours, marks, the name and place of abode of the person bringing and the name and place of abode of the owner.

11. It shall not be lawful for any person to enter the slaughter-house unless licensed to slaughter therein by the clerk of the market, and all persons so licensed shall wear clean apparel and a clean apron, and be provided with clean towels ; and the clerk of the market may expel any person not so dressed and provided with clean towels from the slaughter-house and from the stalls in the market appropriated to the sale of butcher's meat.

12. It shall not be lawful to sell or offer for sale any beef, veal, mutton, pork, or turtle, except at such stalls or stands as shall be appropriated to that purpose, on pain of the forfeiture of all such meat as shall be sold or offered for sale contrary to this rule.

13. The clerk of the market may require the production of the head and skin of any animal before admitting the meat thereof into the market, and no meat is to be admitted unless it is cut up into joints and pieces of the usual size. All mutton, the feet and tail of the carcase of which shall be cut off, shall be considered and taken as goat mutton, and sold as such.

14. It shall not be lawful to expose meat for sale in the market until it has been inspected and approved of by the clerk of the market.

15. Every person vending meat or fish in the market, so soon as he shall have finished the sale thereof, or as soon as the bell for closing shall have rung, shall wash down the tables and thoroughly cleanse the scales and other instruments used by him.

16. Any person or persons who shall be convicted before a police magistrate of any or either of the following offences shall be liable to a fine not exceeding ten shillings, and in default of payment be imprisoned in the common gaol, with or without hard labour, for any period not exceeding ten days :—

Every person or persons who shall stop, loiter, sit, or stand so as to obstruct any gateway, aisle, walk, or passage in the market, or behave in a mischievous, vociferous, or riotous manner, impeding the traffic in the market after being warned to remove :

Every person who shall tether or fasten any horse or other beast to the gates, windows, rails, or trees in the market, or keep any animal in the stalls under the sheds :

Every person who shall persist in breaking or not observing any of the rules of the market after being duly warned :

Every person who shall swear, blaspheme, or use obscene expressions :

Every person who shall injure, destroy, or remove any article of furniture or other thing belonging to the market, or who shall tear down, deface, or destroy any public notice, printed or written, put up by authority of the commissioners of the market or by the clerk :

Every person who shall spill any urine, blood, foul water, or excrement, or throw any noxious animal or vegetable matter or thing whatsoever on the pavement or on the ground in any part or place in the market.

17. Meats shall not be salted on the tables in the butchers stalls, but that operation shall be performed in trays or on a table in the slaughter-house.

18. Turtle shall be exposed for sale in the slaughter-house or on a table provided for that purpose, and not on the tables in the stalls.

19. It shall not be lawful for persons to sit on, lie on, or rest on the tables in the butchers and other stalls and stands in the market.

20. No butcher shall in any way interrupt any other butcher in the sale of his meat.

21. It shall not be lawful to smoke in the market, or to kindle a fire in any coal pot or other holder of fire in any place except the kitchen or house set apart for cooking.

22. It shall not be lawful for any person to bring any dog or dogs into the market.

House of Assembly, 5th November 1863.

Approved,
OLIVER NUGENT,
Speaker.

Board of Council, 5th November 1863.

Approved,
By command,
EDWIN D. BAYNES,
Clerk of the Council.

Published 10th November 1863.

J. B. THIBOU,
Provost Marshal.

No. 179.

AN ACT to authorize in certain Cases of Summary Jurisdiction the Substitution of a Fine for Imprisonment in the Common Gaol.

[Dated 23rd May 1862; Left to its operation by Order in Council dated 20th March 1863.]

WHEREAS by various Acts of this Island the magistrates are enjoined in cases of offences punishable on summary jurisdiction to award the punishment of imprisonment in the common gaol, and it is expedient that in the case of any offence now punishable on summary conviction the offender should be subjected in the discretion of the convicting justice to a fine in lieu of imprisonment:

Be it enacted by the Governor, the Council, and Assembly of Antigua as follows:

1. In all cases in which a magistrate is now enjoined to commit the offender to the common gaol on summary conviction for a period not exceeding one month it shall be lawful for the magistrate to impose a fine not exceeding two pounds, with the costs of complaint.

2. In all cases where the magistrate is now enjoined to commit the offender to prison for a term of not less than one month nor more than three months, it shall be lawful for the magistrate to impose a fine of not less than two pounds nor more than five pounds, exclusive of costs; and where the magistrate is now enjoined to commit an offender to gaol for a term not exceeding three months it shall be lawful for the magistrate to impose a fine not exceeding ten pounds, exclusive of costs.

Magistrate now enjoined to commit offender for period not exceeding one month may impose fine.

Amount of fines when periods of imprisonment exceed one month.

When fine not paid
offender shall be
imprisoned.

Offender to be dis-
charged on payment.

3. Every such fine shall be paid immediately or within such time as the convicting justice shall direct, and on refusal, neglect, or default to pay, the offender shall be imprisoned, with or without hard labour, as the case may be, for such time as the convicting justice shall direct.

4. It shall be lawful for any offender committed to prison for the nonpayment of any such fine to pay at any time during his imprisonment to the keeper of the common gaol the amount of the fine imposed on him, with costs, and on payment of such sums the prisoner shall be released.

No. 180.

AN ACT to dispense in certain Cases with the Concurrence of the Husband in conveying and transferring the Property of the Wife, and for the Protection of the Money or Property of the Wife after Desertion by her Husband.

[Dated 6th June 1862; Left to its operation by Order in Council dated 20th March 1863.]

BE it enacted by the Governor and the Council and Assembly as follows:

1. If a husband shall in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, or shall from any other cause be incapable of executing a deed, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife by mutual consent or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Court of Common Pleas of the said Island by an order to be made in a summary way upon the application of the wife, and upon such evidence as to the said court shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by law; and all acts and deeds to be done, executed, or made by the wife in pursuance of such order in regard to lands, or in regard to money subject to be invested in the purchase of lands, shall be done, executed, or made by her in the same manner as if she were feme sole, and when done, executed, or made by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred.

2. It shall be lawful for the court to make any such order, although the wife may not be within this Colony at the time of the making thereof.

3. A wife deserted by her husband may at any time after such desertion if resident within the said Island apply to the police magistrate of the district in which she resides for an order to protect any money or property she may acquire by her own lawful industry and property which she may become possessed of after such desertion, against her husband or his creditors, or any person claiming under him, and such police magistrate, if satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and property acquired since the commencement of such desertion from her husband, and all creditors and persons claiming under him, and such earnings and property shall belong to the wife as if she were a feme sole: Provided always, that every such order shall within ten days after the making thereof be entered in the office of the Colonial Secretary, and that it shall be lawful for the husband and any creditor or other person claiming under him to apply to the Court of Common Pleas for the discharge thereof: Provided also, that if the husband or any creditor of a person claiming under

3 & 4 Will. 4. c. 74,
s. 91.

Court of Common
Pleas may in certain
cases dispense with
concurrence of hus-
band in conveyance
of wife's property.

Court may make
order though wife
not within Colony.

Wife deserted by her
husband may apply
to a police magistrate
for protection.

20 & 21 Vict. c. 85,
s. 21.

the husband shall seize or continue to hold any property of the wife after notice of any such order he shall be liable at the suit of the wife (which she is hereby empowered to bring) to restore the specific property, and also for a sum equal to double the value of the property so seized or held after such notice as aforesaid; if any such order or protection be made, the wife shall during the continuance thereof be and be deemed to have been during such desertion of her in the like position in all respects with regard to property and contracts and suing and being sued as she would be under the 20 & 21 Victoria, cap. 85, if she obtained a decree of judicial separation in England.

No. 181.

AN ACT to alter the Days of sitting of certain Courts, and to amend the Act "to make Provision for the better Administration of Justice in this No. 92.
"Island."

[Dated 6th June 1862; Left to its operation by Order in Council dated 20th March 1863.]

BE it enacted by the Governor, the Council, and Assembly of Antigua as follows:

1. The Court of Queen's Bench shall be held on the first Friday in March, the third Friday in June, the second Friday in October, and the second Friday in December in every year, instead of the days now appointed by law for the meetings thereof. Sittings of Court of Queen's Bench. Vide Act No. 145. s. 3.

2. So much of the Act, intituled "An Act to make Provision for the better Administration of Justice in this Island," as enacts that a Court of Common Pleas shall be held on the first Tuesday in the month of September in each and every year shall be and the same is hereby repealed. Vide Act No. 92, s. 11. September Court of Common Pleas abolished.

3. It shall be lawful for the puisne justice in the temporary absence from this Island of the Chief Justice in any case of emergency requiring immediate despatch, when there shall be no provisional Chief Justice, to do and perform any act, matter, or thing which may be done or performed by the Chief Justice in or by his legal, equitable, ecclesiastical, or statutable jurisdiction. Puisne justice may act in certain cases in absence of Chief Justice.

4. Every order or determination so made by the puisne justice shall have the same force and effect and shall be subject to be appealed from as if made by the Chief Justice. Effect of order of puisne justice.

5. This Act shall take effect from the first day of July one thousand eight hundred and sixty-two.

No. 182.

AN ACT to enforce the Practice of Vaccination in this Island.

[Dated 11th July 1862; Left to its operation by Order in Council dated 30th November 1864.]

WHEREAS it is expedient for the purpose of securing the inhabitants of this Island from the contagion of small pox to extend and make compulsory the practice of vaccination:

BE it therefore enacted by the Governor, the Council, and Assembly as follows:

1. Every adult person residing in Antigua on the first day of August one thousand eight hundred and sixty two who shall not have been already successfully vaccinated nor had the small pox shall within three months of the said Unvaccinated adult not having had small pox to be vaccinated within three months

first day of August one thousand eight hundred and sixty-two cause himself to be vaccinated by some duly qualified medical practitioner, and shall on the eighth day from and including the day on which he has been so vaccinated cause himself to be inspected by the medical practitioner by whom the operation was performed, in order that the result of such operation may be ascertained and registered, and in default thereof he shall be liable to a penalty not exceeding twenty shillings.

Every such adult arriving in the Island to be vaccinated within three months.

2. Every adult person who after the first day of August one thousand eight hundred and sixty-two shall come to reside in Antigua, and who shall not already have been successfully vaccinated nor had the small pox, shall, within three months of his arrival cause himself to be vaccinated by some duly qualified medical practitioner, and shall on the eighth day from and including the day on which he has been so vaccinated cause himself to be inspected by the medical practitioner by whom the operation was performed, in order that the result of such operation may be ascertained and registered, and in default thereof he shall be liable to a penalty not exceeding twenty shillings.

Father, mother, &c. of child to cause such child to be vaccinated.

3. The father or mother of every child resident in Antigua on the first day of August one thousand eight hundred and sixty-two who shall not already have been successfully vaccinated nor had the small pox, or in the event of the death, illness, absence, or inability of the father or mother, then the person who shall have the care, nurture, or custody of the said child shall, within six calendar months from the said first day of August one thousand eight hundred and sixty-two, take or cause to be taken the said child to the district medical officer or some duly qualified medical practitioner, for the purpose of being vaccinated, and shall on the eighth day from and including the day on which the child has been so vaccinated again take or cause to be taken the said child for inspection by the medical practitioner by whom the operation was performed, in order that the result of such operation may be ascertained and registered, and in default thereof he shall be liable to a penalty not exceeding twenty shillings.

Father, mother, &c. of child born after 1st August to cause such child to be vaccinated.

4. The father or mother of every child born in Antigua after the first day of August one thousand eight hundred and sixty-two, or in the event of the death, absence, or inability of the father and mother, then the person who shall have the care, nurture, or custody of the said child shall, within six calendar months after the birth of such child, take or cause it to be taken to the district medical officer or some duly qualified medical practitioner, for the purpose of being vaccinated, and shall on the eighth day from and including that on which the child has been so vaccinated again take, or cause to be taken, the said child for inspection by the medical practitioner by whom the operation was performed, in order that the result of such operation may be ascertained and registered, and in default thereof he shall be liable to a penalty not exceeding twenty shillings.

Registrar of births to give notice, &c. requiring vaccination.

5. The registrar of births and deaths in each parish of this Island shall from and after the first day of August one thousand eight hundred and sixty-two deliver to the person registering the birth of any child a notice under his hand according to the form of schedule A., which notice when endorsed by the vaccinator according to schedule B. shall be returned by the vaccinator to the registrar, and on receipt of such endorsed notices at the expiration of each quarter an entry corresponding thereto according to instructions to be issued by the Registrar General shall be made in the registration books of births to show that such child has been vaccinated; provided that the non-receipt of such notice from the registrar shall not be pleaded as a defence in any prosecution for penalties under this Act.

6. The father or mother of every child who shall after the first day of August one thousand eight hundred and sixty-two come to reside in Antigua, or in the event of the death, illness, or inability of the father and mother, then the person who shall have the care, nurture, or custody of the said child shall, if the child has not already been successfully vaccinated nor had the small pox, within six months of his arrival take or cause to be taken the said child to some duly qualified medical practitioner or district medical officer, for the purpose of being vaccinated, and shall on the eighth day from and including that on which the child has been so vaccinated again take or cause to be taken the said child for inspection by the medical practitioner by whom the operation was performed, in order that the result of such operation may be ascertained and registered, and in default thereof he shall be liable to a penalty not exceeding twenty shillings.

Father or mother, &c. of every child coming to reside, &c., to cause such child to be vaccinated.

7. If a medical practitioner who shall have vaccinated any person or child as herein-before directed shall ascertain on inspection on the eighth day that the said vaccination has not been successful, he shall thereupon or as soon after as possible proceed to vaccinate again the said person or child, and if the said person shall refuse or neglect to be so vaccinated again and to be inspected on the eighth day, or if the father or mother of the said child, or person having the care, nurture, or custody of the child shall refuse or neglect to have the said child so vaccinated again and inspected on the eighth day, and so on as often as need be until the said person or child shall have been successfully vaccinated, he shall be liable to a penalty not exceeding twenty shillings; provided that in the event of a medical practitioner being of opinion from repeated vaccination that a person or child is unsusceptible of the vaccine disease, the said person, or the father or mother of the said child, or person having the care, custody, or nurture of the said child shall be entitled to receive a certificate from the vaccinator under his own hand, according to the form of schedule marked C, and neither the said person nor the father nor mother of the said child, nor the person having the care, nurture, or custody of the said child, shall be liable to any penalties under this Act.

Vaccination unsuccessful to be reported by medical practitioner.

8. Any person, or the father or mother of any child, or the person having the care, nurture, or custody of any child who after the first day of August one thousand eight hundred and sixty-two shall have been successfully vaccinated, shall be entitled to receive a certificate of the same from the medical practitioner by whom the operation was performed, upon payment of a fee of sixpence.

Certificate of successful vaccination.

9. Every medical practitioner vaccinating any person or child on or after the first day of August one thousand eight hundred and sixty-two who shall transmit to the Registrar General of births and deaths a list certified under his own hand of persons or children vaccinated, specifying the name, age, place of abode, place of birth, date of vaccination, result, shall be entitled to be remunerated for such list at the rate of one shilling for every person or every child respecting whom a complete entry shall have been made.

Medical practitioner for successful vaccination to receive 1s.

10. All penalties incurred under this Act shall be sued for before a police magistrate, and when recovered shall be paid into the public treasury, and all expenses incurred under this Act shall be defrayed out of the public treasury by warrant of the Governor.

Application of penalties.
Expenses.

11. In case of refusal or neglect of the offender to pay any penalty imposed by a police magistrate under the provisions of this Act the magistrate shall have power to cause him to be imprisoned in the common gaol for a period not exceeding fourteen days, unless the penalty be sooner paid.

Recovery of penalties.

12. This Act may be cited for all purposes as the Vaccination Act.

Act to be cited as Vaccination Act.

SCHEDULE A.

Parish of Saint B. (*insert No. of birth*) Book No.
To A.B. (*father, mother, or guardian, as the case may be.*)

I hereby give you notice that you are required by the "Vaccination Act" to have the child, whose birth I have this day registered, vaccinated by some legally qualified medical practitioner before the expiration of six months from this date, and that you must have the child inspected on the eighth day after vaccination by the operator, and that in case you neglect so to do, you will be liable to a penalty of shillings.

Dated this day of 186 . A.B. Registrar,
Parish of Saint

SCHEDULE B. (an endorsation of Schedule A.)

I certify that I have this day inspected the child C.D. (*No. of birth*) and that it has been successfully vaccinated

Dated this day of 186 . (*Signature of vaccinator.*)

SCHEDULE C.

I the undersigned hereby certify that I am of opinion that in the parish of Saint (*or that the child C.B. of the parish of Saint*) is unsuceptible of the vaccine disease.

Dated this day of 186 . Signed A.B. (*insert medical title.*)

No. 183.

Vide No. 212.

AN ACT to encourage and promote the Immigration of Agricultural Labourers, and for the Purposes of such Immigration to impose certain Duties upon the Exports of Sugar, Rum, and Molasses, the Produce of this Island.

[Dated 10th July 1862.]

Preamble.

WHEREAS it is expedient to encourage immigration by the payment of a bounty on the introduction of agricultural labourers, and that the cost and charge thereof shall be defrayed in the manner and in the proportions following; that is to say, one third of such cost and charge by and from the general revenue of this Island, one other third thereof by and from certain duties upon the export of sugar, rum, and molasses, the produce of this Island, and the remaining one third thereof by the employers of such agricultural labourers:

And whereas it is expedient also for the immediate purposes of such immigration to raise by debenture the sum of five thousand pounds:

Be it enacted by the Governor, the Council, and Assembly as follows:

Sections 1, 2, 3, 4, repealed.

Terms and conditions
on which immigrants
shall be indentured.

5. Every employer to whom any such immigrant except immigrants from Her Majesty's dominions in the East Indies shall be indentured on arrival shall pay to the public Treasurer one third of the costs and charges of the introduction of such immigrant which shall be due or shall have been paid in respect of such immigrant; one pound shall be paid at the execution of the contract, and for the balance of which five promissory notes shall be given payable to the Treasurer each bearing even date with the said contract, the first of which

promissory notes shall be for one fifth of such balance with interest at the rate of six *per centum per annum*, payable one year from the date thereof; the second of which promissory notes shall be for another fifth of said balance with interest as aforesaid payable two years from the date thereof; the third of which promissory notes shall be for another fifth of said balance with interest as aforesaid payable three years from the date thereof; the fourth of which promissory notes shall be for another fifth of said balance with interest as aforesaid payable four years from the date thereof; and the fifth of such promissory notes shall be for the remaining fifth of said balance with interest aforesaid payable five years after the date thereof. The public Treasurer shall have and hold for such capital and interest a preferent lien on the estate to which such immigrant shall be allotted above all liens and mortgages, legal and equitable, except liens and preferent rights of the Crown, and except also any sums of money borrowed and charged upon the said estate under an Act, entitled "An Act to authorize the Appointment of certain Commissioners to be called No. 86. the Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same with Interest, and to authorize the Appropriation of the same in manner therein mentioned," and such estate may in default of payment be levied upon as the lands of the defaulter under warrant as herein-after mentioned. The public Treasurer on behalf of the Colony shall in default of payment of said principal and interest recover all or any such notes remaining unpaid by warrant under his hand and seal directed to the provost marshal commanding him to levy on the goods and chattels of the person so in default, and for want of such goods and chattels of such person so in default to levy on his lands and tenements and to sell the said goods, chattels, lands, and tenements, as the case may be, of such person as the same are directed to be sold under execution issuing out of the Court of Common Pleas, and shall pay into the hands of the Treasurer within 30 days after the sale the sum or sums of money arising from such sale, after deducting the same fees and charges as are payable on an execution at law: Provided always, that the employer shall have the right of paying at once the whole of the capital money payable as aforesaid, or of redeeming any of the promissory notes with rebate of interest at any time before the same shall become due; that lessees of estates to which immigrants may be allotted shall be required either to provide approved endorsers to such promissory notes as aforesaid or to pay the whole amount due upon the execution of the indenture of such immigrant or immigrants.

6. Every employer to whom any immigrant from Her Majesty's dominions in the East Indies shall be indentured on arrival shall pay to the public Treasurer the sum of one pound ten shillings for every such immigrant so indentured at the execution of the contract, and shall enter by himself or his lawfully constituted attorney into a bond bearing even date with such contract, payable to the Treasurer, in a sum equal to the sum of six pounds for every such immigrant conditioned for the payment annually of the sum of one pound ten shillings for every such immigrant employed by him during the period of his service for three or five years under his original or renewed indenture, as the case may be, the first of such instalments to be payable one year after the date of the contract, and the second, third, and fourth of such instalments to be payable respectively two, three, and four years from and after the date of the said contract, and the said bond shall operate as a preferent lien as in the case of the promissory notes mentioned in the preceding clause, and in default of payment shall be recoverable in like manner as the said promissory notes: Payments on obtaining immigrants.

Provided always, that any person who shall pay in cash the third part of the cost of importing a labourer into this Island from any place from which such importation is permitted other than from Her Majesty's dominions in India, shall be entitled to a preference in obtaining such immigrant, and in the case of labourers imported from Her Majesty's dominions in India who shall pay in cash the sum of four pounds ten shillings as his proportion payable on account of an immigrant indentured for three years, or the sum of seven pounds ten shillings for an immigrant indentured for five years, shall in like manner be entitled to a preference in obtaining such immigrant.

Treasurer may borrow 5,000*l.* on debentures,

7. The Treasurer is hereby authorized to borrow at interest not exceeding *six per centum per annum* the sum of five thousand pounds, or any part thereof in sums not less than one hundred pounds sterling each, and to issue a debenture or debentures to the person or persons, corporation or corporations, lending the same.

which shall be negotiable by indorsement.

8. The said debentures shall be negotiable by endorsement thereon in manner following; that is to say, "Pay the within debenture with interest due to *A.B.* or order, *C.D.*," and shall be made payable at the option of the lender on the 31st day of December 1865 or on the 31st day of December 1867, and the interest thereon shall be payable quarterly.

and be a charge on immigration fund.

9. The said debenture shall be a charge upon the immigration fund hereinafter mentioned, and shall be payable by the Treasurer as and for immigration purposes.

Separate account to be kept of monies raised for immigration.

10. The Treasurer shall keep a separate account of all monies to be raised under the authority of this Act which are hereby specially appropriated as an immigration fund to be applied for immigration purposes only.

Payment of agent.

11. Whereas it is expedient to provide a remuneration by fixed salary to agents acting in India and China on behalf of the minor West India Colonies: It shall be lawful for the Governor to pay to such agent or agents such sum or sums of money as shall be deemed by the Secretary of State for the Colonies to constitute an equitable contribution in proportion to the sums contributed by the sister Colonies from this Colony to the salary of such agent or agents.

Payment of expense incurred abroad.

12. The Governor may pay the amount of every moderate and necessary expense incurred at any port or place where any such agent is appointed for the collection of emigrants in conveying emigrants to the port of embarkation, in maintaining them there, and in providing them with such supply of clothing as may be requisite for their voyage to this Colony, upon the receipt from such agent of an account thereof duly vouched, showing the particulars of such expenditure, countersigned by the Governor of such place, or by such officer as he may appoint, if the same be a British possession, or by Her Majesty's Consul at any foreign port or place, such Governor, officer, or consul, as the case may be, certifying thereby, as far as he knows, that such expenditure has been solely incurred for the purposes aforesaid, or for any of such purposes, and is just and reasonable; and may likewise pay the amount of any expenditure incurred by Her Majesty's Government, or by commissioners appointed by Her Majesty's Government at the request of the Governor and Council, in the hiring, employing, and licensing of any vessel for bringing or sending immigrants into this Colony from the East Indies or from China, in providing for the maintenance and clothing of such immigrants during their passage or otherwise, in employing on board any such vessel a surgeon, and such other just expenditure as shall be caused by, and be necessarily incidental to such immigration to this Colony, and all just expenditure caused by, and necessarily incidental to sending back any immigrants from the East Indies at the expiration of their stipulated term of residence to the place from whence they shall have been brought or sent into this Colony; the said expenses to be paid out of the immigration fund.

13. The Governor in Council may from time to time by proclamation name the ports or places from which emigration on bounty is permitted to this Colony, and may fix such rate of bounty as to him shall seem just for indemnifying the person at whose charge any immigrant may be introduced into this Colony for the expense of his maintenance and passage from the port of embarkation to this Colony, and shall in his proclamation to be issued for that purpose declare the number of weeks deemed necessary for the voyage of any ship or vessel from such respective ports or places to this Colony: Provided always, that no rate of bounty shall be fixed and that no bounty shall be allowed for the importation of any immigrant who may be incompetent or unwilling to engage in agricultural labour, or for any immigrant above the age of forty years, unless in either case such immigrant shall be one of a family of immigrants arriving in the same vessel; and provided further, that no bounty or passage money shall be paid for any greater number of immigrants imported by any one vessel from the Island of Madeira, from any of the Islands of the Azores, Cape de Verd Islands, Canary Islands, and other places of similar distance than at the rate of one immigrant for each ton of the measurement of such vessel.

Governor to name places for immigration on bounty, and to fix rate and number of weeks allowed for passage.

14. The Governor may nominate and appoint some fit and proper person resident in this Colony to be immigration agent, and may from time to time remove any person so nominated and appointed and nominate and appoint some other fit and proper person in his place, and any person so nominated and appointed shall during his tenure of office be paid such salary not exceeding two hundred pounds *per annum* as the Governor in Council shall determine: Provided always, that such immigration agent shall not be entitled to nor receive any part of such salary until or from and after the arrival in this Colony of immigrants to be introduced subject to the provisions of this Act.

Superintendent of immigrants.

15. Upon the arrival in the Colony of any vessel having immigrants on board, the immigration agent, accompanied by the health officer of the port, shall forthwith proceed on board of such vessel, and with the assistance of such officer shall ascertain by personal inspection of the vessel and immigrants whether the provisions of the Imperial Passengers Act for the time being, as far as they may be applicable, have been complied with or not; and such immigration agent with such assistance as aforesaid shall personally muster such immigrants and compare the number and names of such immigrants with the duplicate list, if any, furnished to the master by the agent at the port of embarkation, which he shall require such master to produce and deliver to him, and shall certify upon such duplicate list the name of the vessel, the total number of immigrants then living and on board of such vessel, together with the state or condition of each immigrant, his fitness for agricultural labour, and at whose cost and charges he is imported; and in case any immigrant shall have died during the passage, or the number or names of the immigrants shall differ from the number and names of the immigrants stated in such duplicate list, the immigration agent shall note such death or difference upon such duplicate list, and thereupon with the approbation of the Governor shall grant a licence for the disembarkation and landing of the immigrants from such vessel.

Proceedings on arrival of vessel with immigrants.

16. If the immigration agent, with the assistance of the health officer of the port, on personal inspection of the vessel and immigrants shall be satisfied that the provisions of the Imperial Passengers Act for the time being, in so far as they may apply, have been fully complied with, he shall transmit to the Governor a certificate, in the form annexed, marked A., stating in the same the date of the arrival in this Colony of such immigrants, and the place from whence and the vessel in which such immigrants shall have arrived, and the sum of money payable in respect of such immigrants, and thereupon the Governor shall issue

Bounty money to be paid on certificate.

his warrant to the public Treasurer to pay the same: Provided always, that bounty or passage money shall be paid only for such immigrants as are landed alive in this Colony.

Superintendent to provide for unemployed immigrants.

17. If any immigrants shall not on their arrival be immediately provided with employment, it shall be the duty of the immigration agent, with the approval of the Governor, to provide such immigrants with wholesome and sufficient food and with convenient lodging on shore until the means of earning their own subsistence can be procured for them, and the immigration agent shall deliver to the Governor an account supported by all necessary vouchers of the expenditure incurred by him in procuring such food and lodging, and if such account be approved of by the Governor the same shall be paid.

Register of immigrants to be kept.

18. The immigration agent shall keep separate registers of all immigrants introduced into this Colony; that is to say, firstly, a register of immigrants from any of Her Majesty's dominions in the East Indies; secondly, a register of all indentured Africans; thirdly, a register of Portuguese immigrants; fourthly, a register of Chinese immigrants; and, fifthly, a register of all other immigrants not coming under the denomination of any of the immigrants mentioned in any of the aforesaid classes, and shall in each of such registers insert the name of each immigrant thereto belonging and the number attached to his name in the list delivered by the master of the ship in which he shall be imported, and shall number each of the immigrants of each class by a particular number, proceeding in regular order with the other numbers, so that no two immigrants of the same class shall bear the same number, and shall insert in each of such registers under different heads the number, age, name, sex, size, birthplace, and any distinguishing mark of every immigrant belonging to such class, the time when, the place from whence, and the name of the party, if any, at whose cost and charges such immigrant may be imported and the name of the vessel in which such immigrant shall have arrived, together with the cost of the passage of such immigrant, and whether such immigrant will or will not be entitled to a return passage, and of the amount of money which may have been advanced to such immigrant previous to his arrival in the Colony, and which is to be repaid by him out of his wages.

Application by employer requiring immigrants.

19. Any employer who may be desirous of locating immigrants on his plantation or estate under the provisions of this Act shall make application to the immigration agent fully setting forth in writing the situation of such plantation or estate, the name of the proprietor thereof, the number and description of the immigrants required, the nature of the labour to be performed, and all other particulars, and no such application shall be received unless such employer shall also satisfy the immigration agent that comfortable and sufficient accommodation, a suitable hospital and medical attendance, according to law, have been or will be duly provided for such immigrants, and the immigration agent shall make and keep in his office a true and faithful register of all such applications, numbering them in the order in which they shall respectively be received, such numbering, however, not to give any right of preference to any person, plantation, or estate over any other person, plantation, or estate, and every such application shall remain good and valid until the number of immigrants applied for shall be allotted, or unless such application be withdrawn by the applicant, or be rendered invalid by the death, insolvency, or absence unrepresented of the party making the same.

Expenses to be incurred for introduction of African immigrants to be paid out of immigration fund.

20. It shall be lawful for the Governor from time to time to issue and pay from and out of the immigration fund to such person or persons as Her Majesty's Principal Secretary of State for the Colonies shall from time to time appoint all and every such sum and sums of money, charges, costs, or expenses as shall

or may from time to time be paid, expended, or incurred by Her Majesty's Government, or by the Colonial Land and Emigration Commissioners, or by the Governor of any or either of Her Majesty's Colonies or possessions in Africa, or by any person appointed or to be appointed by them or either of them in the hiring, employing, or licensing of any vessel for bringing or sending any free and voluntary immigrants into this Colony from any of Her Majesty's said Colonies or possessions in Africa, St. Helena, or other place of embarkation, and in providing for the maintenance and clothing of such immigrants during their passage, and such other just expenditure as shall be caused by and be necessarily incidental to such immigrants.

21. Unless by permission of Her Majesty's Government previously had and obtained, no contract entered into by any employer with any immigrant from any part of India, or from any part of the African continent, or from the Island of Madagascar, or from any other island adjacent to the coast of the African continent, and inhabited by the negro race, shall be valid unless the same shall have been made within this Colony.

Contracts made with Indian and African immigrants out of Colony when binding.

22. All contracts made and entered into out of this Colony with any Chinese immigrant for the performance of any labour or service in agriculture within this Colony for any period not exceeding the term of five years, to be computed from the day of the landing of such immigrant in the Colony, shall be valid and in force for the period therein mentioned: Provided always, that no such contract shall be valid or in force unless the same shall be reduced to writing, and shall be signed with the name, or in case of illiterate persons with the mark of each of the contracting parties, in the presence of a notary public, British consul, or other officer approved by Her Majesty's Government, nor unless such notary public, British consul, or other officer shall subscribe the written contract in attestation of the fact that it was entered into by the parties voluntarily and with a clear understanding of its meaning and effect.

Contracts made out of Colony with Chinese immigrants valid.

Section 69.

23. If any labourer arriving in this Colony from Madeira, the Azores, the Canaries, or the Cape de Verd Islands, or from any part of Europe, or of the West Indies, or of the United States, or of the British provinces of North America, or from any port or place from which immigration on bounty shall have been permitted by such proclamation as aforesaid (except from any place mentioned in the twenty-first clause of this Act, and except Chinese immigrants), shall before his arrival have contracted with any person to perform service in this Colony, such contract shall when approved and countersigned by the immigration agent, and subject to such alterations as the said agent may with the consent of the parties have made therein, be valid in this Colony for the full period named in such contracts, not exceeding three years; provided that, except as herein-after mentioned, no such contract shall be so approved and countersigned unless it shall have been signed with the names or marks of the contracting parties and attested by some notary public or British consul, or by some other person approved by or acting under the authority of Her Majesty's Government, who shall declare that the parties entered into it voluntarily and with a full understanding of its meaning, nor unless the immigration agent shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the Imperial or Colonial Government.

What other contracts may be made out of Colony.

24. If the immigration agent shall not be satisfied, or shall find the contract not to be so signed and attested as aforesaid, he shall report the same to the Governor, who may, if he shall think fit, notwithstanding such report, direct the immigration agent to approve and countersign such contract in manner aforesaid.

Governor may direct Superintendent to approve contracts.

Contracts with immigrants of African descent coming from the United States or British provinces.

Naturalization of aliens of African descent.

Classification of liberated Africans.

Term of indenture with Portuguese, coolie, Chinese, and liberated Africans of the 1st class.

Contract with liberated Africans of the 2nd class.

Contracts with minors.

Recovery of advances to immigrants.

Renewal of contracts with Indian coolies and Chinese.

25. Every immigrant of African descent coming from any part of the United States, or of the British provinces of North America, who shall not before arrival have entered into contract, to be approved as aforesaid, shall be indentured in the form annexed marked B. for a period of not less than twelve months nor more than three years from the date of his arrival.

26. Every immigrant of African descent not being a British subject who shall come for the purpose of settling within this Colony from any part of the United States, or of the British provinces of North America, or who shall have entered or shall enter into contract as aforesaid, shall after three years residence in this Colony, and on taking the oath of allegiance to Her Majesty before the Governor in the presence of the Secretary of the Colony, be entitled within this Colony to all the privileges of a natural-born British subject, and such Secretary shall enter in a register to be kept in his office the name, age, and sex of every such immigrant taking the said oath, and the day when and the vessel in which such immigrant shall have arrived, and the party with whom such immigrant shall have entered into contract as aforesaid, and such register or an extract therefrom certified by such Secretary shall upon proof of the identity of such immigrant be sufficient evidence of the right of such immigrant to the privileges aforesaid.

27. All liberated African immigrants who may be sent to this Colony at the expense of the Colony shall be divided into two classes, the first class of whom shall comprise all those who upon the inspection of the immigration agent and the health officer shall be considered to be above the age of fifteen years, and the second class of whom shall comprise all those who upon such inspection as aforesaid shall be considered to be under the age of fifteen years.

28. Every immigrant from the Island of Madeira, from any of the Islands of the Azores or the Cape de Verd or Canary Islands, who shall not before arrival have entered into contract, to be approved as aforesaid, shall be indentured in the form annexed marked B. for a period of not less than twelve months nor more than three years from the date of his arrival; and every immigrant from Her Majesty's dominions in the East Indies or from any part of the African continent from which immigration shall be permitted by Her Majesty's Government, every Chinese immigrant, and every liberated African of the first class shall be indentured in the form annexed marked B. for a period of three years from the date of his arrival.

29. All liberated Africans of the second class shall be indentured until they shall have attained the age of eighteen years in the form annexed marked C., or in such other form as the Governor may approve.

30. Every contract entered into in the presence of the immigration agent purporting to bind any minor immigrant shall have the same force and effect as if such immigrant had been of full age at the time of signing such contract.

31. Any person to whom any immigrants shall be allotted for whose introduction bounty may be claimed, and who shall previously to their embarkation have entered into a contract engaging them to repay advances made to them by monthly deductions from their wages, shall pay to the party with whom such contract shall have been made the amount of such advances, provided the same shall not exceed two pounds ten shillings for each immigrant, and such first-mentioned person shall be authorized to recover such amount by monthly deductions from the wages earned by such immigrants in the proportion of not more than four shillings and twopenne per month.

32. It shall be lawful for every Chinese immigrant and for every immigrant from Her Majesty's dominions in the East Indies, at any time not less than one nor more than three months before the expiration of his indenture, to signify

to the immigration agent or to any police magistrate for the information of the immigration agent whether he desires to be re-indentured to the same or to some other employer for the further period of two years from the termination of the original indenture, or whether he will pay to the said immigration agent the sum of five pounds; and it shall be lawful for such immigrant in the event of his being so re-indentured, at any time not less than one nor more than three months before the expiration of the first year of such re-indenture to signify to the said immigration agent whether he desires to be re-indentured to some other employer for the second year of such re-indenture, or whether he will pay to the said immigration agent the sum of two pounds and ten shillings on condition of being released from such re-indenture; and if any such immigrant shall fail to make application in the manner provided by this section, or shall fail to pay the amount herein-before required of him at least ten days before the expiration of the indenture under which he may then be serving, such contract or indenture shall thereupon be deemed to be renewed in like manner as if he had applied to be so re-indentured.

33. On the arrival in this Colony of any immigrants not already under a written contract with any employer, the immigration agent shall with the approval of the Governor proceed to locate them on such plantations as they may prefer, or if they do not desire to exercise any preference shall locate them in such numbers and proportions as circumstances will admit of on those plantations for which applications for immigrants shall have been previously made, and each employer before he shall become entitled to the services of such immigrants shall enter into a contract according to the form annexed marked B. or C. with each immigrant, or with the immigration agent on his behalf, as the nature of the case may require, for such period as any such immigrant is by any of the preceding sections of this Act required to be indentured upon arrival, which said contract shall be in triplicate and shall be prepared by the immigration agent, and for preparing which such immigration agent shall be entitled to the sum of one shilling and no more for each such contract in triplicate as aforesaid, to be paid by the person to whom the immigrants are to be allotted, and one copy of such contract shall be delivered to the immigrant, another to the employer, and the third shall be forwarded to the police magistrate for the district; provided that it shall not be lawful for the said immigration agent in locating such immigrants as aforesaid to separate husbands from wives nor children under fifteen years of age from their parents or natural protectors, and provided further that no immigrants shall be allotted to any employer who is in arrear in the payment of any sum due to the Colony for or on account of immigrants previously allotted to such employer.

34. The immigration agent shall whenever he allots immigrants transmit forthwith to the public treasurer a list of the estates to which such immigrants have been allotted, stating the number and description of immigrants allotted to each and the amount becoming payable from time to time in respect thereof respectively.

Treasurer to have list of allotments and amounts due.

35. The immigration agent shall as soon as possible after the first day of January in each and every year publish in the official Gazette of the Colony a list in the form annexed marked D., or in such other form as the Governor may direct, of all vessels which have arrived in the Colony with immigrants during the year preceding, the number of immigrants so arrived, and the distribution of such immigrants.

List of immigrants to be published annually.

36. The manager or person in charge of any plantation or estate upon which any Chinese, Indian, or African immigrants shall be employed, whether under indenture or under monthly contracts, as herein-after provided, shall for each

Manager of plantation to keep muster roll.

and every month that such immigrants shall continue to be so employed keep a muster-roll in the form annexed marked E., and it shall be the duty of such manager or person in charge and he is hereby required to direct all such immigrants to attend each day at such convenient time or times and at such convenient place or places on the plantation or estate as may by him be assigned for that purpose, and such manager or person in charge shall then and there, either personally or by means of some person deputed by him, call over the names of all such immigrants, and note upon the muster-roll whether they or any of them are absent or present, and such muster-roll shall be daily signed by the person by whom the names shall have been so called over, and shall be carefully preserved by the manager or person in charge of the plantation or estate for the purposes of this Act; and any manager or person in charge of any plantation or estate who shall fail to comply with the provisions of this section, or shall make any false entry in the muster-roll to be by him kept, shall be liable on conviction to a penalty not exceeding four pounds for every such offence, and in default of payment to imprisonment in the common gaol not exceeding thirty days.

Term of verbal contract.

37. Every verbal or unwritten contract or agreement for the hire of any immigrant shall, in the absence of proof of any express agreement between the parties to the contrary, be deemed and taken in law to be a contract or agreement for one month and to be renewable from month to month, and shall be deemed and taken in law to be so renewed by the parties, unless a week's previous notice or warning be given by either party to the other of his intention not to renew the same; and the wages for such service shall be payable weekly, and any employer shall be entitled to discharge any immigrant hired under the provisions of this section without previous notice, provided such immigrant be instantly paid his wages for the time he has served, and also for fifteen days from the time of such discharge; provided that any such verbal or unwritten contract or agreement may at any time be determined by the misconduct of either party in their relative capacity of employer and servant, which may be proved by either party against the other.

Penalty for breach of verbal contract by employer.

38. If any employer shall terminate any contract or agreement made with any immigrant under the provisions of the preceding clause, except with the consent of such immigrant, or by giving notice or paying wages, or for misconduct as therein provided, such employer shall forfeit and pay to the use of the immigrant a sum equal to one month's wages, according to the rate of wages which may have been fixed by and between the parties, or if the rate of wages shall not have been so fixed, then such sum as the police magistrate of the district may consider fair and reasonable as and for a month's wages, in addition to the wages due to the immigrant at the time of the termination of such contract.

Immigrant may prove ill-usage in defence.

39. On any complaint made by any employer against any immigrant for refusing or wilfully neglecting to perform any verbal or unwritten contract, such immigrant shall be at liberty to show by evidence in answer to such complaint that he terminated his service or contract in consequence of ill-usage by his employer, or for some other good and sufficient cause, to be judged of by a police magistrate.

Penalty on ill-usage.

40. If any employer shall ill-use any immigrant he shall be liable on conviction to a penalty not exceeding five pounds.

Justice may discharge from contract and decide in any case as to wages due in addition to any other

41. Upon any complaint made by any employer or immigrant, the police magistrate by whom such complaint shall be heard may in addition to any other order made on such complaint award to such immigrant the whole or such proportion of the wages appearing due to him as such police magistrate shall think

reasonable, or shall authorize the employer to retain the whole or any specified portion of such wages, and may discharge such employer or immigrant from his contract or service, and shall in such case give to such employer or immigrant, as the case may require, a certificate of such discharge and of such award without any fee or consideration.

order, on complaint made.

42. If it shall be made to appear to the Governor that any employer of any indentured immigrant or other person acting under his authority shall have been convicted of gross or repeated ill-usage or ill-treatment of such immigrant, the Governor may direct the immigrant so ill-used or ill-treated, and also if he shall so think fit every other immigrant indentured to such employer to be released and discharged from all further service to such employer, and thereupon such immigrant or immigrants shall be wholly discharged from all further services to such employer, and the Governor shall direct the immigration agent to indenture immigrants discharged under the provisions of this or of the preceding sections to such other employer as to him may seem fit: Provided always, that the term of service for which every such immigrant shall be indentured by any such new indenture shall not together with the time of his past service exceed the period of service for which such immigrant was previously bound.

Governor may discharge immigrant from service on account of ill-usage by employer.

43. Any immigrant who without reasonable cause shall neglect or refuse to attend at the daily call of the muster-roll, or at and during the time and hours, or at the place where and when he shall have contracted or agreed to attend, in commencing or carrying on any work during such hours as it shall be usual so to attend, or who without reasonable cause shall leave unfinished or refuse to finish any work contracted or agreed to be done, or who shall be guilty of any drunkenness, wilful disobedience of orders, insolence, or neglect of duty, or other misconduct in the service of his employer, or who shall quit the service of such employer without leave or reasonable cause before the end of the period stated in his indenture, or before the end of the period for which he shall have verbally contracted or agreed to serve, as the case may be, shall on conviction thereof forfeit the whole or any part of any wages then due, and not exceeding the wages of one week, and be punished by fine or imprisonment, with or without hard labour, at the discretion of the police magistrate, such fine not to exceed four pounds and such imprisonment not to exceed thirty days.

Immigrant absenting himself, refusing to work, or guilty of misconduct.

44. In the case of any complaint made by any employer against any Chinese, Indian, or African immigrant for absenting himself from his service or employment, it shall be lawful for the police magistrate and he is hereby required to demand the production of the muster-roll of the plantation or estate for the month during which such absence shall have taken place, and if such muster-roll shall not be produced, or if it shall appear on the inspection thereof and shall be proved in evidence that the names of such immigrants have not been duly called over as herein-before enacted, then and in any such case such complaint shall be dismissed.

On complaint of absence muster-roll to be produced.

45. It shall be lawful for the Governor in Council from time to time to make and promulgate rules and orders respecting the form in which application shall be made by persons desirous of having immigrants indentured to them, and respecting the lodging, medicine, medical aid, and care to be provided for immigrants during sickness, and respecting the food and clothing to be furnished under certain circumstances in lieu of a certain specified amount of wages, and respecting the hours of labour, the general treatment of them, and the periods within which the wages of such immigrants shall be paid; and it shall also be lawful for the Governor in Council from time to time by any such rule or order to alter or vary the form of any certificate, contract, indenture, list, muster-roll, return, or specification mentioned or contained in this Act or in any schedule

Governor in Council to make rules, &c. &c. for application for and treatment of immigrants.

thereto annexed, and to substitute any form or forms for and in lieu of any form or forms in any such schedule, and copies of such rules and orders respectively shall be laid before the Council and Assembly at their next meeting.

Hours of labour.

46. Every indentured immigrant, in the absence of any express agreement to the contrary, and except in case of illness, shall be bound to work upon or in the service of the plantation mentioned in his indenture for nine hours of each day, Sundays, Good Friday, and New Year's Day and Christmas Day only excepted: Provided always, that during his absence on account of illness every such immigrant shall, in the absence of any express agreement to the contrary, receive instead of wages such allowances as the state of his health may require.

Employer failing to provide employment.

47. If it shall be established before the police magistrate for the district, on complaint preferred by an indentured immigrant, that such immigrant is not provided by his employer with sufficient work to enable him to earn a just amount of wages in terms of his contract, such police magistrate shall declare and adjudge the contract or indenture of such immigrant to be thereby cancelled, and thereupon it shall be lawful for the Governor to cause such immigrant to be indentured to some other employer, who shall be required to pay or to give promissory notes or bonds in manner and form provided by the fifth and sixth sections of this Act for such sums as may be the due proportion of the costs and charges of the introduction of such immigrant for the unexpired period of the term of service transferred to him, the original employer and his estate remaining liable, however, for such sum or sums as may be due for the expired term or proportion of the whole period of service as expressed in the original contract or indenture.

Abatement of wages for misconduct.

48. Upon any complaint by any immigrant for nonpayment of wages or damages for breach of contract or misconduct by his employer, it shall be lawful for the police magistrate of the district to make a proportional abatement out of any sum to be awarded as the wages or damages due to such immigrant for such days or time as he shall be proved to have been, without the consent of his employer, absent from or neglecting his service or work, and also for the value of any damage done to the property of his employer by or through the misconduct or negligence or carelessness of such immigrant.

Immigrant destroying or endangering property.

49. If any such immigrant as aforesaid shall by negligence or any other improper conduct lose, throw away, endanger, or damage the property of his employer, or shall endanger such property by a careless or improper use of fire, or shall cruelly ill-use any cattle or other live stock belonging to his employer or entrusted to his care, or by negligence shall suffer or occasion to be cruelly ill-used any such cattle or live stock, every such offender on conviction thereof shall be punished by fine or imprisonment, with or without hard labour, such fine not to exceed four pounds and such imprisonment not to exceed thirty days.

Limitation of time for preferring complaints.

50. No complaint by any employer against any immigrant, or by any immigrant against any employer, made under any of the twelve preceding sections of this Act, shall be entertained unless the same shall be preferred within thirty days after the occurrence of the subject matter of such complaint, and upon the hearing of any such complaint no abatement or deduction shall be made from the amount determined to be due to either party by reason of any misconduct of which such party may have been guilty at any time exceeding thirty days before the institution of such complaint.

Issue of certificate of industrial residence,

51. Every immigrant, of whatever description, who shall have completed the term of service under contract or indenture herein-before required of him respectively, or shall have paid the sums herein-before required to be paid in commutation of such service, shall be entitled to demand and receive from the immigration agent, free of all charge, a certificate of industrial residence, to be

written or printed according to the form in the schedule F. to this Act annexed, and shall thereupon be released from all further obligation to perform service under contract or indenture; and such certificate shall be delivered free of cost to such immigrant by the said immigration agent at the proper time, if he can be found, whether application shall be made for the same or not: Provided that it shall be lawful for the Governor, on being satisfied that any immigrant is, whether from sickness or any other cause, permanently disabled and unfit to perform any labour, to authorize the immigration agent to grant a certificate of exemption from labour, and provided that notice shall be published by the immigration agent for the space of one month before the issue of any certificate under this section of the intention to issue the same.

52. The immigration agent shall keep a register of all certificates issued under the provisions of the preceding section, which register shall contain the description, sex, age, and any other distinguishing mark, as clearly as the same can be set forth, of every immigrant to whom any such certificate may be granted, and if at any time any question shall arise, whether before a court of law or elsewhere, respecting any such immigrant, and he shall be unable to produce such certificate, an extract from the said register, under the hand of the said immigration agent, accompanied by a certificate under his hand of the identity of such immigrant, shall be deemed good and sufficient evidence; and if at any time any immigrant shall prove to the satisfaction of the said immigration agent that such certificate has been lost or destroyed, he shall be entitled to receive a duplicate of the same on payment of the sum of two shillings for such duplicate.

53. Every employer of any immigrant under indenture shall, within forty-eight hours from the time at which any such immigrant shall have deserted from such plantation, report such desertion at the nearest police station, stating in such report the number and name by which such immigrant is described in his indenture, with the date thereof, and any other information likely to facilitate the apprehension of such deserter; and so soon as any report of a desertion is delivered to the officer in charge of such police station, he shall copy the same and send on such report to the inspector general of police, and such inspector general shall cause notice of the desertion to be given to the officer in charge of any other station, and such inspector general shall at the end of each quarter make up and transmit to the Governor a return in the form marked G. of all desertions so reported and of the result up to that date; and in case any employer shall fail to comply with the provisions of this section he shall forfeit and pay a sum not exceeding forty shillings, and the absence of any immigrant without leave of his employer for twenty-four hours after the time at which the daily roll is called shall be deemed desertion.

54. Every person who shall harbour, conceal, or employ any immigrant, being at the time under a written contract to labour for some other employer, or who shall remove, or entice, or solicit away from his employer any immigrant, shall for every such offence on conviction thereof forfeit and pay a penalty not exceeding four pounds, and shall further pay to the employer to whom such immigrant shall be indentured the sum of four shillings for each day during which such immigrant shall be proved to have been so harboured or employed; and if the employer or person in charge of any such immigrant shall state upon oath before a police magistrate that he has reasonable cause to suspect that such immigrant is harboured, concealed, or employed on the premises of any person, such police magistrate may grant a warrant to search for such immigrant and bring him and the person by whom such immigrant may be harboured, concealed, or employed, or either of them, before him, to be dealt with as provided by this Act: Provided always, that in every case in which any dispute or difference

shall arise as to whether any person who shall have harboured, concealed, or employed any immigrant, being at the time under a written contract to labour, or who shall have removed or enticed away, or shall have solicited or enticed any such immigrant to remove from the employment or service of his employer, had knowledge of any such immigrant being at the time under such contract, the proof of the absence or want of knowledge of any such person shall be on such person, and the proof of the knowledge of such person shall not be on the party aggrieved, complaining, or informing.

Apprehension of
immigrant found
wandering from
estate.

55. It shall be lawful for the employer of any Chinese, Indian, or African, or other immigrant under a written contract to labour, for the servant of such employer, or for any member of the police force, or rural constable, to apprehend without warrant such immigrant who on any day on which he shall be bound to labour shall out of the hours of labour be found at a distance of more than two miles from the estate on which he shall be engaged to labour, without a ticket of leave signed by such employer, and to cause such immigrant to be taken back to such estate; and it shall be lawful for any member of the police force or constable, if he shall see reasonable cause for so doing, to call upon any such immigrant to produce to him his certificate of industrial residence or ticket of leave, and if such immigrant shall be unable or shall refuse so to do, then without any unnecessary delay to take such immigrant to the nearest police station, there to be detained until inquiry can be made concerning him, and it shall be the duty of the officer of such station forthwith to cause such inquiry to be made.

Half-yearly returns
of immigrants by
employers.

56. Every employer of immigrants under a written contract to labour shall, on or before the tenth day of January and the tenth day of July in each and every year, make out and transmit to the immigration agent a return in writing of the number of immigrants who were in his service under written contract on the last day of the preceding month, which return shall be made out in the manner and form specified in the schedule hereto annexed marked II., and shall be described as the return of the person with whom such immigrants shall have been under a written contract or otherwise, and shall contain a specification of the total number of such immigrants, and also of all deductions from the original number of immigrants under written contract as aforesaid which shall have taken place within the last preceding six months by death or desertion, stating the names, numbers, and vessels of import of those who may have died or deserted, and also of those who may have returned to the performance of their contract after their desertion, giving the like description, and also of the births of any children among such immigrants, specifying the ages and sexes of such children and the names and numbers of their parents, and also a declaration that the contents of such return are in all respects true and correct; and any person who shall neglect to transmit within fourteen days after the time specified any such return as aforesaid shall pay a sum of forty shillings, and a like sum for each and every subsequent month during which such neglect shall continue, and any person making or signing any such return or declaration, knowing the same to be false, shall be liable to be punished as by law provided in the case of wilful and corrupt perjury.

Return of immigrants
imprisoned.

57. Whenever any Chinese, Indian, or African immigrant under indenture shall be sentenced by any court of criminal jurisdiction, or by a police magistrate, under any Act or law in force to any term of imprisonment, it shall be the duty of such court of criminal jurisdiction, or of such police magistrate, as the case may be, within the period of one calendar month from the date of such sentence to cause to be delivered to the immigration agent a return setting forth as accurately as may be the name of such immigrant, the name of the estate to

which he is indentured, the offence of which he shall have been convicted, and the term of imprisonment to which he shall have been sentenced.

58. The immigration agent shall enter in the proper place in the register required by the eighteenth section of this Act all such births and deaths as shall be reported to him under the provisions of section 56, or as shall in any other manner be brought to his knowledge, and shall keep a separate book in which shall be entered a full description of every immigrant reported to have deserted or to have been imprisoned, and the period during which he shall in consequence have been absent from the performance of his contract; and if it shall appear by such separate book that any such immigrant shall have been, whether at one time or upon different occasions, absent from the performance of his contract for one month or more for each year that he shall have been indentured, it shall be lawful for the said immigration agent and he is hereby required to withhold the certificate by the 51st and 52nd sections of this Act required to be given, until such immigrant shall have completed the term of industrial residence required by law.

Entry in register of births, deaths, and desertion.

Suspension of certificate.

59. Every estate upon which such immigrants, whether indentured or not indentured, are located shall be provided with comfortable and sufficient dwellings, and with a proper hospital and hospital furniture, medicine, and nurses, and shall have a regular licensed medical practitioner to attend the sick, and in default thereof the proprietor of such estate shall be liable to a penalty not exceeding four pounds, and four pounds for each and every fourteen days during which such default shall continue, and it shall be lawful for the Governor, if he shall think fit so to do, in the case of any proprietor convicted more than once for a breach of the provisions of this section within a period of three months to direct all such immigrants to be released and discharged from all further service to such employer, and thereupon such immigrants shall be wholly discharged from such service, and the Governor may direct such immigrants to be indentured to any other employer whom he may select and who may be willing to receive the same.

Provision of hospital accommodation.

60. All liberated Africans of the second class shall be allowed one afternoon in each week, to be appointed by the Governor, for the purpose of receiving education and religious instruction, and any manager or other person in charge of a plantation preventing the attendance of any such African at any school on such afternoon as aforesaid, or obstructing the ministers of the parish, or any minister of the Christian religion, or any licensed schoolmaster duly authorized thereto by the Governor, in visiting and instructing any such African, or neglecting or refusing to provide a fit and proper place, if required to do so by the immigration agent or inspector of schools, for the communication of such instruction, shall forfeit and pay a sum not exceeding twenty shillings for each such offence, to be recovered upon the complaint of the immigration agent or inspector of schools, or any person authorized by him in writing: Provided always, that any such African who shall absent himself from work on such afternoon as aforesaid and shall not attend the school provided for him, or receive instruction therein, shall be liable to be punished by fine or imprisonment in manner and form provided by section forty-three of this Act.

Instruction of Africans of 2nd class.

61. It shall be lawful for the immigration agent to enter into and upon any plantation where any immigrant may be employed and to inspect the state and condition of such immigrant, and inquire into any complaint which the employer may have against such immigrant, or any such immigrant may have against his employer.

Inspection of plantation by immigration agent.

62. Every person who shall wilfully do any act whereby the immigration agent may be prevented or obstructed in the performance of his duty under this

Penalty on obstruction of immigration agent.

Act, shall on conviction thereof before a police magistrate forfeit and pay such sum not exceeding ten pounds for every such offence as to the said police magistrate shall seem fit.

Issue of passports to immigrants.

63. Every immigrant who shall have acquired the right to a certificate of industrial residence shall and may demand and receive from the immigration agent a passport which shall be delivered to him free of all charge whatsoever, and such immigrant shall thereupon be at liberty to depart from this Colony on paying the expense of his own passage: Provided always, that nothing in this section contained shall be deemed or taken to imply any obligation upon this Colony to provide a passage for any such immigrant at any time before the expiration of the term for which he shall have consented to reside therein.

Right of coolie to back passage.

64. Every immigrant from Her Majesty's dominions in the East Indies who shall arrive in this Colony, and who shall have acquired a certificate of industrial residence in manner provided by the fifty-first section of this Act, shall be entitled at the expiration of eight years from the time of such arrival to be provided with a back passage to the port from which he sailed, at the expense of this Colony; provided that no such immigrant shall be entitled to such back passage unless claimed within eighteen months from the period when he shall have become entitled to the same.

Compensation to Indian when entitled to back passage.

65. There shall be paid to every Indian immigrant entitled to and who shall claim back passage twenty-five shillings for every half-year which may intervene between his application for and the actual offer of or opportunity for such back passage, and so in proportion for any less period than six calendar months during which any such Indian immigrant so entitled to and having claimed a return passage may be detained in this colony for want of opportunity for such back passage.

Employment of interpreter.

66. In order to secure to immigrants from the East Indies the means of communication in their own language, there shall, when practicable, be embarked from the port of departure in India one person capable of acting and engaged to act as interpreter for every one hundred such immigrants, which person or some other duly qualified person shall be employed so to act in this Colony at a reasonable salary, to be paid on warrant of the Governor out of the immigration fund.

Governor in Council may make regulations for securing and transmitting property of deceased immigrant.

67. It shall be lawful for the Governor in Council from time to time to make rules and regulations for securing the savings and accumulations of property belonging to Indian immigrants who may die in this colony leaving property for the benefit of the relatives of such deceased immigrant, and for the realisation of such property and the transmission thereof to the relatives in India of such deceased immigrant.

Governor in Council may allow certain holidays.

68. It shall be lawful for the Governor in Council from time to time to make regulations for allowing to any immigrant labourer such holidays or days to be observed as religious festivals as to him shall seem meet.

Contract made under clause 22 to be subject to provisions of clauses 28 and 32.

69. Every contract made under or in pursuance of the twenty-second clause of this Act shall be subject to the provisions contained in the twenty-eighth and thirty-second clauses.

Free passage for invalids.

70. The Governor may order a back passage to be provided at the expense of the Colony for any immigrant who may have become permanently unfit for labour, anything herein-before contained to the contrary notwithstanding.

Governor may arrange for return of Indian immigrant by way of neighbouring Colony.

71. In order to facilitate the return of Indian immigrants who shall be entitled to back passage wholly or in part at the expense of this Colony, it shall be lawful for the Governor, when there shall not be any convenient opportunity of providing such back passage from this Colony direct to the port from which such immigrants shall have sailed, to arrange with the governor of any neigh-

bouring colony from which there may be a convenient opportunity for the return of such immigrant by way of such colony to such port wholly or in part at the expense of this Colony, according to the terms on which the immigrant may be entitled to such back passage.

72. It shall not be lawful for any immigrant who shall have been introduced into this Colony at the public expense to depart from the Colony without having first obtained a passport in manner herein-before provided, and every master or other person in charge of any vessel who shall receive or harbour on board such vessel, with the intention of carrying out of this Colony, any such immigrant who shall not have obtained such passport, shall on conviction thereof forfeit and pay the sum of twenty pounds for each and every such immigrant whom he shall have so received or harboured with such intention as aforesaid, and every such penalty shall and may be recovered for and on behalf of Her Majesty before a police magistrate from such master or other person being in command of any such vessel, or from the owner of such vessel.

Penalty on master of vessel receiving immigrant without passport.

73. Upon the departure of any vessel from this Colony having Indian immigrants on board returning to the port from whence they came, the immigration agent, accompanied by the health officer, shall proceed on board such vessel, and with the assistance of such health officer shall ascertain by personal inspection of the vessel and immigrants whether the vessel is fit and suitable in all respects for the purpose, and whether all the arrangements made for the passage and treatment of the immigrants are in due conformity with law, and especially with the laws passed by the Right Honourable the Governor General of India and Council for regulating the emigration of the native inhabitants of Her Majesty's dominions in the East Indies to the West Indies, and such immigration agent shall personally muster such immigrants and ascertain whether they and each of them be the parties lawfully entitled to back passage, and shall certify upon the list to be by him furnished to the master of such vessel the total number of immigrants embarked, together with the state and condition of such immigrants, and that they are provided with clothing suitable for the voyage.

Inspection of vessels sailing with immigrants.

74. If any person shall be sentenced to imprisonment for any offence against this Act, or shall fail to pay any fine imposed upon him for such offence, he shall be committed to the common gaol, there to remain in conformity with his sentence, and any part not exceeding one half of every fine imposed by this Act may in the discretion of the police magistrate be paid to the informer; and in any case where the party convicted shall not pay such fine it shall be lawful for the Governor to reward such informer, provided that such reward to be so paid by the Governor shall in no case exceed four shillings.

Part of all fines not exceeding one half may be paid to the informer.

75. Such health officer shall be allowed as his remuneration for services performed under this Act the sum of sixpence for every immigrant on board of any such ship arriving, and the same sum for every immigrant departing, at the expense of the Colony.

Payment of health officers.

76. If any immigrant shall fraudulently obtain, transfer, use, or attempt to use any false, forged, or counterfeit certificate of industrial residence, passport, ticket of leave, or other document referred to in this Act, or shall in any manner alter or erase any part of such document, such immigrant shall be subject on conviction to a fine not exceeding four pounds, or to imprisonment with hard labour not exceeding thirty days.

Immigrants using false documents.

77. All salaries of officers granted and all expenses incurred in virtue of this Act shall be paid out of such funds as are raised for the purposes of immigration, and all monies payable by any person in virtue of any of the provisions of this Act, and which shall not be declared to be payable to any particular officer or

Payment of salaries.

person, shall be payable for the use of Her Majesty to the public Treasurer, or to the police magistrate awarding the payment of any such money, and all sums received by any such police magistrate or any other person, and not payable over to any particular person, shall be paid over to the public Treasurer, and all monies received by the public Treasurer under this Act shall be applied to immigration purposes, and the public Treasurer shall render to the administrative committee quarterly a statement of all receipts and payments for immigration purposes.

Adjudication of complaints under this Act.

78. All complaints, differences, and disputes which shall arise between employer and immigrant respecting any matter or thing treated of in this Act shall and may be heard and determined, except when otherwise specially provided, by the police magistrates, and all penalties, forfeitures, and sums of money imposed or ordered to be paid by this Act may, unless otherwise specially directed, be recovered on summary conviction before any such police magistrate.

Mode of recovery of penalties.

79. In every case of summary conviction under this Act, where the sum forfeited or ordered to be paid shall not be paid immediately after the conviction or within such period, not exceeding fourteen days after conviction, as the police magistrate shall at the time of conviction appoint, it shall be lawful for the said police magistrate to commit the person so convicted to the common gaol, with or without hard labour, for a period not exceeding three months, unless when a less term is specially provided, or until payment of such sum so forfeited or ordered to be paid.

Interpretation of terms.

80. Repeals former Act.

81. Throughout this Act the words and expressions herein-after mentioned shall have and bear the following meanings; that is to say, the words Her Majesty shall mean Her Majesty, Her heirs and successors; the term immigration agent shall not only mean the immigration agent, but also any sub-agent appointed by the Governor to act in any particular place, or on any particular occasion, in the place and stead of the immigration agent; the word immigrant shall include all immigrants already introduced or who may hereafter be introduced into this Colony, or for whose introduction at the expense of the British Treasury, or at the expense of this Colony, although the same may be under private contract, the Colony may hereafter pay bounty; the word writing shall also mean printing; the word servant shall mean any person employed and duly authorized by the proprietor of any plantation to which immigrants shall be allotted; the word contract and the words written contract shall mean also any indenture or agreement written or printed, or partly written and partly printed; the word indenture shall also mean contract; the words plantation or estate shall mean sugar plantation or estate, cotton or stock estate, or farm, on which any immigrant may be employed; the word employer shall include the proprietor or manager or other person having the direction of or the chief authority upon any such estate or plantation on which any immigrant shall be employed.

Short Title.

82. This Act may be cited as the "Immigration Act."

A.—SECTION 16.

SUPERINTENDENT OF IMMIGRANTS.—Certificate of Arrival.

I the undersigned do hereby certify that the ship _____ master arrived at this port from _____ on the _____ day of _____ bringing _____ immigrants above fourteen years of age _____ between the ages of fourteen and six years, and _____ under six years of age, that I, assisted by the health officer of

the port, have personally inspected the said vessel and find that the provisions of the Imperial Passengers Act for the time being, as far as the same are applicable, have been duly complied with, and finally that the amount payable in respect of such immigrants is

Dated at _____ day of _____ 18 ____ .
A.B.,
 Superintendent of Immigrants.

B.—SECTIONS 25, 28, 33.

ANTIGUA.

Be it remembered that on this day of in the year of our Lord
one thousand eight hundred and A.B. of and C.D. of
appeared before me E.F., superintendent of immigrants for the Colony of Antigua,
and in my presence signed their names (or marks, as the case may be,) to the following
contract of service. The said A.B. agrees to hire the services of the said C.D., and
the said C.D. agrees to render to the said A.B., his heirs, executors, administrators, or
assigns, service in the capacity of a for the term of years, com-
mencing on the day of in the year 18 and terminating
on the day in the year 18 And it is further agreed
between the said parties that the said C.D. shall be employed by the said A.B., his
heirs, executors, administrators, or assigns, on plantation And it is further
agreed that the said A.B., his heirs, executors, administrators, or assigns shall pay
to the said C.D. as such labourer as aforesaid the same rate of wages as is paid to
the labourer not under indenture or contract working on said estate, and that such
wages shall be paid.

And it is further agreed that in the event of the said plantation being sold the said C.D. shall serve the purchaser thereof, his heirs, executors, administrators, or assigns, and shall be paid wages by the said purchaser, his heirs, executors, administrators, or assigns, in conformity with this contract.

A.B.
C.D.

The preceding contract was signed by the above-named parties in my presence on the day and year above written voluntarily, the same being, as far as I am able to judge, fully understood by them respectively.

E.F.,
Superintendent of Immigrants.

C.—SECTIONS 29, 33.

ANTIGUA.

This indenture made the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ between *A.B.*, superintendent of immigrants in the Colony of Antigua, for and on behalf of *C.D.*, a liberated (male or female) African of the age of _____ years, and numbered _____, recently sent to this Colony under the authority of Her Majesty's Government for the purpose of being located and established therein, of the one part, and *E.F.* of _____ in this Colony of the other part, witnesseth that in virtue of the Act in such case made and provided, and in consideration of the covenants, promises, and agreements on the part and behalf of the said *E.F.* herein-after contained, he the said *A.B.* as such superintendent of immigrants has indented, placed, and bound, and by these presents doth indent, place, and bind the said *C.D.*, the African indented to and with *E.F.* of _____ to serve for the term of _____ years, to be computed from the day of the date of these presents, and doth hereby for and on behalf of the said *C.D.* to and with the said *E.F.* covenant, promise, and agree that the said *C.D.* shall and will during all and every part of the said term of _____ years truly and faithfully serve the said *E.F.* as a labourer on plantation _____ and the said *E.F.* doth hereby covenant, promise, and agree to and with the said *A.B.*, for and on behalf of the said *C.D.*, that he the said *E.F.* shall and will, until the said *C.D.* shall have

attained the age of fifteen years, find and provide for and allow to the said *C.D.* suitable and sufficient diet, clothing, tools, or implements of work, lodging, and medical attendance, and such privileges, necessities, and money wages as may from time to time be ordered by the Governor in Council, or be enacted touching or concerning Africans under the age of fifteen years indentured in this Colony, and shall also allow to the said *C.D.* during the continuance of these presents for education and religious instruction, such one afternoon in every week as shall be appointed or assigned by the Governor of the Colony for the time being.

In witness whereof he the said *A.B.*, the superintendent of immigrants, for and on behalf of the said *C.D.*, and he the said *E.F.*, have hereunto set their hands the day and year first above written.

D.—SECTION 35.

ANNUAL LIST of Arrivals and Allotments of Immigrants.

No. of arrivals.	Name of vessel.	No. of immigrants.	From what place.	Adults.			Children between 6 and 14 years.			Children under 6 years.			Number of immigrants allotted including children.	To what plantation allotted.	Remarks.
				M.	F.	Total.	M.	F.	Total.	M.	F.	Total.			

Dated at this day of 18 .

N.B.—If any discrepancy occurs between the number of arrivals and those allotted, explain it in the column for remarks.

A.B.,
Superintendent of Immigrants.

E.—SECTION 36.

MUSTER-ROLL of Plantation for the month of .

Description of immigrants.	Name.	1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.	13th.	14th.	15th.	16th.	17th.	18th.	19th.	20th.	21st.	22nd.	23rd.	24th.	25th.	26th.	27th.	28th.	29th.	30th.	31st.	Remarks.
Portuguese .																																	
Coolies .																																	
Chinese .																																	
Africans .																																	

J.F.,
Immigration Agent.

F.—SECTION 51.

No.

This is to certify that immigrant herein-under described has completed his terms of service (or has paid the amount required in commutation of his services) under the provisions of the Act, intituled "An Act to encourage and promote the Immigration of Agricultural Labourers, and for the Purposes of such Immigration to impose certain Duties upon the Exports of Sugar, Rum, and Molasses, the "Produce of this Island."

Name.	Sex.	Description.	Remarks.

Signed *A.B.*

G.—SECTION 53.

QUARTERLY RETURNS of Desertions from Police Magistrate

No.	Description of immigrant.	Name.	Sex.	Date of indenture.	Plantation from which deserted.	Date of desertion.	Date of return to service.

H.—SECTION 56.

HALF-YEARLY RETURN of the entire Number of Immigrants located on Plantation in the Parish of Antigua.

	Madras Coolies.		Calcutta Coolies.		Africans.		Portuguese.		Chinese.		Total.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Number remaining at last return - - -												
Number born, received, or returned from desertion since last return												
Total - - -												
Number died, departed, or deserted since last return - - - -												
Total on the estate												

SPECIFICATION OF BIRTH.

Name of infant.	Sex.	Name of father.	Name of mother.	Father's number.	Father's ship of import.	Father's country.

SPECIFICATION OF DESERTERS.

Name of deserter.	Sex.	Country.	Number.	Ship of import.	Date of desertion.

SPECIFICATION OF DEATH.

Name of deceased.	Sex.	Country.	Number.	Ship of import.	Date of death.	Cause of death.

SPECIFICATION of IMMIGRANTS returning after Desertion.

Name of immigrant.	Sex.	Country.	Number.	Ship of import.	Date of return.	Date of desertion.

I of plantation do solemnly and sincerely declare that the above is a true and correct return of the immigrants on plantation on the day of 18 as required by the clause of the Act, intituled "An Act to encourage and promote the Immigration of Agricultural Labourers, and for the Purposes of such Immigration to impose certain Duties upon the Exports of Sugar, Rum, and Molasses, the Produce of this Island."

Signature.

No. 184.

AN ACT for vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom for the Time being.
[Dated 23rd October 1862; Left to its operation by Order in Council dated 11th June 1863.]

Recital.

WHEREAS divers messuages, lands, tenements, and hereditaments have been at various times purchased for the use of the Naval Service of the United Kingdom of Great Britain and Ireland, and conveyed to several different persons in trust for Her Majesty, and Her Royal Predecessors, and Her and their heirs and successors, and the same have been placed under the charge of the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being, and it is expedient that the same and all other messuages, lands, tenements, and hereditaments that may be hereafter purchased, or in any manner used and occupied by or for the said service, should be vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being:

Be it enacted by the Governor, the Council, and Assembly as follows:

Lands, tenements, and hereditaments conveyed to Her Majesty for use of naval service shall be vested in Lord High Admiral in trust for Her Majesty.

1. From and after the passing of this Act all messuages, lands, tenements, and hereditaments, erections, buildings, and property whatever which have been conveyed to or are vested in any person or persons, or are held or in any manner occupied by or in the name of any person or persons in trust for Her Majesty or Her royal predecessors, and Her or their heirs and successors, for the use of the naval service of the said United Kingdom, or of any of the departments of or belonging to the said naval service, by whatever mode of conveyance, or by whatever title or for whatever estate or interest therein the same shall have been conveyed, or be vested, held, or occupied, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom, or the commissioners for executing the office of Lord High Admiral aforesaid for the time being, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust for Her Majesty, Her heirs and successors, for the public service.

Lands, tenements, and hereditaments, hereafter purchased, &c. for the naval service shall be vested in Lord High Admiral, &c. in trust for Her Majesty.

2. From and after the purchase and conveyance, grant, or demise thereof all other messuages, lands, tenements, and hereditaments which shall at any time or times hereafter be purchased, taken, held, or occupied by the Lord High Admiral, or the commissioners for executing the office of Lord High Admiral aforesaid for the time being, or by any person or persons by his or

their order for the naval service of the said United Kingdom, or of any of the departments of or belonging to the said naval service, and all erections and buildings which shall then or may be thereafter erected or built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall in like manner be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom, or the commissioners for executing the office of Lord High Admiral aforesaid for the time being, and his or their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

3. Upon the death, resignation, or removal of the present commissioners for executing the office of Lord High Admiral of the said United Kingdom, or of any of them, or of any future such commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages, lands, tenements, and hereditaments respectively shall become vested in and be held by the succeeding commissioners for executing the office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

All such lands, tenements, and hereditaments to become vested in the succeeding commissioners, or Lord High Admiral, as the case may be, in perpetual succession in trust as aforesaid.

4. In all deeds, conveyances, leases, contracts, and other instruments tending any estate, property, matter, or thing relating to the naval service of the said United Kingdom, or to any department under the control of the commissioners for executing the office of Lord High Admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names; and all such deeds, conveyances, leases, contracts, and other instruments wherein the said Commissioners shall be so described, and the execution or signature thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein and had executed or signed the same.

In deeds, conveyances, &c. commissioners to be described "the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," and execution of any two of them valid.

5. It shall and may be lawful for the Commissioners for executing the office of Lord High Admiral aforesaid for the time being, or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of or let or demise any of the messuages, lands, tenements, and hereditaments respectively which shall be vested in them under or by virtue of this Act, with their respective appurtenances, either by public auction or private contract, and in due form of law to convey, surrender, assign, or make over, or to grant or demise the same respectively, as the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements, and hereditaments which they or he shall deem beneficial for the public service in relation thereto, or for the better management thereof, which might be done by any person or persons having a like interest in any such messuages, lands, tenements, or hereditaments.

The commissioners may sell, exchange, and demise any lands, &c. vested in them by public auction or private contract, and to convey, &c. &c.

6. It shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid for the time being, or the Lord High Admiral aforesaid for the time being, and they are hereby authorized and empowered to bring, prosecute, and maintain any action, suit, or other proceeding at law or in equity for recovering possession of any messuages, lands, tenements, or heredi-

The commissioners may bring actions, &c. at law or in equity for recovering possession of lands, to distrain and sue

for rent, &c. &c., and no action shall abate, &c., and shall receive and pay costs.

taments by this Act vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof under any demise from the said Commissioners or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of Her Majesty, and also to bring, prosecute, or maintain, or to defend any other action or suit in respect of or in relation to the said messuages, lands, tenements, or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland," without naming them, and no such action or suit shall abate by the death, resignation, or removal of such Commissioners, or any of them, or of such Lord High Admiral, any law, custom, or usage to the contrary notwithstanding, and the said Commissioners or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs, where judgment shall be given against the Crown in any such action, suit, or other proceeding, in like manner and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject.

No. 185.

AN ACT to prevent the Spread of Small-Pox.

[Dated 24th October 1862; Left to its operation by Order in Council dated 11th June 1863.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Duty of inspectors of nuisances, police officers, &c.

Whenever there is reason to suspect that small-pox exists in any part of this Island the inspectors of nuisances, police officers, and constables shall make diligent search by house to house visitation, and whenever they shall discover any person or persons labouring under an eruptive disease, like small-pox, chicken-pox, or modified small-pox, they shall report the same forthwith to the district medical officer or some other duly qualified medical practitioner, who shall examine the patient, and if he is of opinion that the disease is small-pox, either in a virulent or modified form, he shall cause a yellow flag (which shall be provided by the Board of Health) to be hoisted at the door of the house in which the affected person resides, to warn the public of the existence of such disease, and shall prevent as much as possible intercourse between the affected person and persons unprotected by vaccination or a previous attack of small-pox, and the said patient shall not leave his house without the permission of the district medical officer.

Prevention of intercourse with persons affected.

Provision for destitute persons.

2. When any destitute person shall be afflicted with small-pox he may be removed with his consent to any temporary hospital or place appointed by the Board of Health, or he shall be provided with sufficient medical and other attendance, sustenance, and nursing at the public expense at his residence, and no intercourse except such as shall be allowed by the permission of the Board of Health or the medical officer shall be permitted with any such person.

Unlawfully producing disease, &c.

3. Whosoever shall produce or attempt to produce on any person by inoculation with the matter of small-pox, or by wilful exposure to small-pox, or to any matter, article, or thing impregnated with the matter of small-pox, or wilfully by any other means whatsoever produce the disease of small-pox, or shall

wilfully disobey or wilfully prevent the carrying out of any provisions contained in this Act, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding twelve months, with or without hard labour.

No. 186.

AN ACT for enforcing Church Discipline.

Vide No. 56.

[Dated 24th October 1862; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS it is expedient that the bishop of the diocese should be invested with similar powers for the correction of clerks in this Island as are exercised by bishops in England:

Preamble.

Be it therefore enacted by the Governor and the Council and Assembly:

1. That in every case of any clerk in holy orders of the United Church of England and Ireland in this Colony who may be charged with any offence against the laws ecclesiastical, or concerning whom there may exist scandal or evil report, as having offended against the said laws, it shall be lawful for the bishop of the diocese, on the application of any party complaining thereof, or if he shall think fit of his own mere motion to issue a commission under his hand and seal to five persons, two of whom shall be clerks in holy orders, for the purpose of making inquiry as to the grounds of such charge or report: Provided always, that notice of the intention to issue such commission under the hand of the bishop, containing an intimation of the nature of the offence, together with the name, addition, and residence of the party on whose application or motion such commission shall be about to issue (except where the same shall be about to issue on the mere motion of the bishop), shall be sent by the bishop to the party accused fourteen days at least before such commission shall issue.

Bishop may issue commission of inquiry.

Notice to be previously given.

2. That it shall be lawful for the said commissioners or any three of them to examine upon oath, or upon solemn affirmation, in cases where an affirmation or declaration is allowed by law instead of an oath, which oath, affirmation, or declaration respectively shall be administered by them to all witnesses who shall be tendered to them for examination, as well by any party alleging the truth of the charge or report as by the party accused, and to all witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the inquiry and ascertaining whether there be sufficient *prima facie* ground for instituting further proceedings, and notice of the time when and place where every such meeting of the commissioners shall be holden shall be given in writing under the hand of one of the said commissioners to the party accused seven days at the least before the meeting, and it shall be lawful for the party accused or his agent to attend the proceedings of the commissioners and to examine any of the witnesses; and all such preliminary proceedings shall be public, unless on the special application of the party accused the commissioners shall direct that the same or any part thereof shall be private; and when such preliminary proceedings, whether public or private, shall have been closed, one of the said commissioners shall, after due consideration of the depositions taken before them, openly and publicly declare the opinion of the majority of the commissioners present at such inquiry whether there be or be not sufficient *prima facie* ground for instituting further proceedings.

Proceedings of commissioners.

Report of the commissioners.

3. That the said commissioners or any three of them shall transmit to the bishop under their hands and seals the depositions of the witnesses taken before them, and also a report of the opinion of the majority of the commissioners present at such inquiry whether or not there be sufficient *prima facie* ground for instituting proceedings against the party accused, and such report shall be filed in the registry of the diocese; and if the party accused shall hold any preferment in any other diocese or dioceses the bishop of this diocese to whom the report shall be made shall transmit a copy thereof and of the depositions to the bishop or bishops of such other diocese or dioceses, and shall also, upon the application of the party accused, cause to be delivered to such party a copy of the said report and depositions, on payment of a reasonable sum for the same not exceeding twopence for each folio of ninety words.

Bishop may pronounce sentence without further proceedings.

4. That in all cases where proceedings shall have been commenced under this Act against any such clerk holding any preferment within this Colony it shall be lawful for the bishop of the diocese, with the consent of such clerk and of the party complaining, if any, first obtained in writing, to pronounce without any further proceedings such sentence as the said bishop shall think fit, not exceeding the sentence which might be pronounced in due course of law, and such sentences shall be good and effectual in law as if pronounced after a hearing according to the provisions of this Act, and may be enforced by the like means.

Articles and depositions to be filed.

5. That if the commissioners shall report that there is sufficient *prima facie* ground for instituting proceedings, and if the bishop of the diocese or the party complaining shall thereupon think fit to proceed against the party accused, articles shall be drawn up, and when approved and signed by a barrister-at-law practising in any of the courts of this Island shall, together with a copy of the depositions taken by the commissioners, be filed in the registry of the diocese, and any such party or any person on his behalf shall be entitled to inspect without fee such copies, and to require and have on demand from the registrar (who is hereby required to deliver the same) copies of such evidence, on payment of a reasonable sum for the same not exceeding twopence for each folio of ninety words.

Service of copy of the articles on the party.

6. That a copy of the articles so filed shall be forthwith served upon the party accused by personally delivering the same to him, or by leaving the same at the residence house belonging to any preferment holden by him, or if there be no such house then at his usual or last known place of residence, and it shall not be lawful to proceed upon any such articles until after the expiration of fourteen days after the day on which such copy shall have been so served.

Bishop may require the party to appear before him,

and may pronounce judgment on admission.

7. That it shall be lawful for the bishop by writing under his hand to require the party to appear, either in person or by his agent duly appointed, as to the said party may seem fit, before him at any place within this Colony at any time after the expiration of the said fourteen days, and to make answer to the said articles within such time as to the bishop shall seem reasonable; and if the party shall appear and by his answer admit the truth of the articles, the bishop or his commissary specially appointed for that purpose shall forthwith proceed to pronounce sentence thereupon according to the ecclesiastical law.

How notice and requisition to be served.

8. That every notice and requisition to be given or made in pursuance of this Act shall be served on the party to whom the same respectively relate in the same manner as is hereby directed with respect to the service of a copy of the articles on the party accused.

9. That if the party accused shall refuse or neglect to appear and make answer to the said articles, or shall appear and make answer to the said articles other than an unqualified admission of the truth thereof, the bishop shall proceed to hear the cause, with the assistance of three assessors to be nominated by the bishop, one of whom shall be a barrister of the rank of queen's counsel or a barrister of not less than seven years standing in the courts of the Island of Antigua or Saint Christopher, and another shall be one of the bishop's archdeacons or his chancellor, and upon the hearing of such cause the bishop shall determine the same and pronounce sentence thereupon according to the ecclesiastical law.

On the party accused refusing or neglecting to make answer the bishop shall proceed to hear the cause, with the assistance of three assessors, &c.

10. That all sentences which shall be pronounced by the bishop or his commissary in pursuance of this Act shall be good and effectual in law, and such sentences may be enforced by the like means as a sentence pronounced by an ecclesiastical court of competent jurisdiction.

Sentence of bishop to be effectual in law.

11. That in every case in which from the nature of the offence charged it shall appear to the bishop that great scandal is likely to arise from the party accused continuing to perform the services of the church while such charge is under investigation, or that his ministration will be useless while such charge is pending, it shall be lawful for the bishop to cause a notice to be served on such party at the same time with the service of the copy of the articles aforesaid, or at any time pending any proceedings before the bishop or in any ecclesiastical court, inhibiting the said party from performing any services of the church within this diocese from and after the expiration of fourteen days from the service of such notice, and until sentence shall have been given in the said cause: Provided that it shall be lawful for such party being the incumbent of a benefice, or a clergyman receiving from the treasury of this Island a salary or allowance for the performance of any ecclesiastical duty, within fourteen days after the service of the said notice to nominate to the bishop any fit person or persons to perform all such services of the church during the period in which such party shall be so inhibited as aforesaid; and if the bishop shall deem the person or persons nominated fit for the performance of such services he shall grant his licence to him or them accordingly, or in case a fit person shall not be nominated the bishop shall make such provision for the service of the church as to him shall seem necessary; and in all such cases it shall be lawful for the bishop to assign such stipend not exceeding a moiety of the stipend payable by the treasury of this Island to the said party as the bishop may think fit, and on the bishop certifying the same to the Governor the stipend so assigned shall be paid to the person so nominated from the Treasurer and deducted from the stipend payable by law to the said party; provided also that it shall be lawful for the said bishop at any time to revoke such inhibition and licence respectively.

Bishop empowered to inhibit party accused from performing services of the church, &c.

12. That it shall be lawful in any such inquiry for any three or more of the commissioners or in any such proceedings for the bishop or for any assessor of the bishop to require the attendance of such witnesses and the production of such deeds, evidences, or writings as may be necessary, and such bishop, assessor, and commissioners respectively shall have the same power for these purposes as now belong to any court of law or equity in the said Island, with the like power of punishing by fine or imprisonment for any neglect or contempt in not obeying or in contemning any writ or process for compelling such attendance or production as aforesaid.

Attendance of witnesses and production of papers, &c. may be compelled.

Witnesses to be examined on oath, &c

13. That every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath or upon solemn affirmation, in cases where an affirmation is allowed by law instead of an oath, which oath or affirmation respectively shall be administered by the assessor of the bishop or by a commissioner, and that every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and all persons present in this Colony, and examined as witnesses in any matter under the provisions of this Act, shall be examined *vidæ voce* in open court or before any commissioners appointed under this Act, according to the practice of the common law courts.

Suits to be commenced within two years.

Proviso.

14. That every suit or proceeding against any such clerk in holy orders for any offence against the laws ecclesiastical shall be commenced within two years after the commission of the offence in respect of which the suit or proceeding shall be instituted, and not afterwards: Provided always, that whenever any such suit or proceeding shall be brought in respect of an offence for which a conviction shall have been obtained in any court of common law, such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years shall have elapsed since the commission of the offence in respect of which such suit or proceeding shall be so brought.

Party aggrieved may appeal to the Archbishop of Canterbury.

15. That it shall be lawful for any party who shall think himself aggrieved by the judgment (not being an interlocutory order) pronounced by the bishop to appeal to the Archbishop of Canterbury, who may confirm, vary, or amend such judgment as to him shall seem just and proper.

Appeal to be in writing and signed by the appellant.

Security for costs to be given.

16. That every appeal to the said Archbishop shall be in writing, signed by the party appealing, and that in order to discourage frivolous appeals no proceedings shall be held in any such appeal until the appellant shall, if required, have given security in such form and to such amount as the Archbishop shall direct of payment to the bishop of such costs as shall be awarded by the Archbishop, if he shall decide against the appellant, and the decision of the Archbishop shall be in writing under his hand, and in such decision there shall be expressed the amount of costs, if any, which he shall award to be paid by the appellant to the bishop, or by the bishop to the appellant, and the decision of the archbishop shall be final.

Statute 1 Hen. 7. not in force.

17. The Act of Parliament passed in the first year of the reign of King Henry the Seventh, intituled "An Act for Bishops to punish Priests and other Religious Men for dishonest Lives," which was repealed by an Act passed in the 3rd and 4th year of the reign of Her Majesty Queen Victoria, shall not be deemed to be in force in this Colony.

Saving of archbishop and bishop's powers.

18. That nothing in this Act contained shall be construed to affect any authority over the clergy of this diocese which the Archbishop of Canterbury or the bishop of this diocese may now according to law exercise personally and without process in court.

No. 187.

AN ACT for granting to Abel Brear the exclusive Property in an Invention for discharging Liquids from Kettles or other Vessels.

[Dated 10th January 1863; Left to its operation by Order in Council dated 3rd February 1864.]

WHEREAS Abel Brear of Sangatuck, in the county of Fairfield, in the state of Connecticut, in America, hath invented a new, improved, and useful plan of discharging liquids from kettles and other vessels by the pressure of steam or compressed air, and hath signed and lodged in the office of the Colonial Secretary of this Colony a description or specification of the said invention, with a diagram thereof annexed to such description or specification :

And whereas the said plan of discharging liquids from kettles and other vessels hath not been previously known or practised in this Colony :

And whereas the said Abel Brear is desirous of obtaining and securing to himself, his executors, administrators, and assigns the exclusive use and property of and in the said invention :

And whereas it is expedient for the sake of encouraging and protecting within this Colony such improvements and inventions that the said Abel Brear should have such exclusive use and property of and in the said invention : Be it enacted by the Governor, the Council, and Assembly :

1. That the said Abel Brear, his executors, administrators, and assigns shall for and during the space or term of seven years from the day of the date of this Act have the exclusive right and privilege of in any way whatsoever making, setting up, erecting, establishing, using, exercising, employing, applying, or selling or disposing of within this Colony the said invention of the means of discharging liquids from kettles and other vessels by the pressure of steam or compressed air, as the same invention is fully, clearly, and exactly set forth, described, and specified in the description or specification, with the diagram or plan of such invention annexed to such description or specification, signed and lodged by the said Abel Brear in the office of the Colonial Secretary of this Colony, and according to such description or specification and diagram.

Reserves right of invention for seven years.

2. No person shall or may during the continuance of the said space or term of seven years either directly or indirectly in any way whatsoever make, set up, erect, establish, use, exercise, employ, apply, or sell or dispose of the said invention, or any part of the same, or in any case counterfeit, imitate, or resemble the same, or shall make or cause to be made any addition thereunto or subtraction from the same, whereby to pretend himself the inventor or deviser thereof, without the licence, consent, or agreement of the said Abel Brear, his executors, administrators, or assigns, under his or their hands and seals first had and obtained.

No person to infringe the right secured for seven years.

3. That if any person shall during the continuance of the said space or term of seven years in any way whatsoever infringe or invade the exclusive use and property of and in the said invention herein and hereby granted to the said Abel Brear, his executors, administrators, and assigns, it shall be lawful for the said Abel Brear, his executors, administrators, or assigns, to proceed against such person either in a court of equity or a court of law, or both at the same time, for the purpose of protecting his and their rights and interests in and of recovering damages for such infringement and invasion of his and their exclusive use and property in the said invention.

Inventors may proceed against person infringing right secured.

Mode of process
against person in-
fringing right se-
cured.

4. That in any action by the said Abel Brear, his executors, administrators, or assigns for any infringement or invasion of his or their exclusive use and property of and in the said invention, the said Abel Brear, his executors, administrators, and assigns may use the form of declaration set forth in the schedule to this Act.

On action commenced
injunction may be
issued on application
of plaintiff.

5. That in any action by the said Abel Brear, his executors, administrators, or assigns, against any person for any infringement or invasion of his or their exclusive use and property of and in the said invention, it shall be lawful for the Chief Justice of the Court of Common Pleas, and in the absence or illness of the said Chief Justice for the provisional Chief Justice or Puisne Justice, on application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account, and the proceedings therein respectively, as to such Chief Justice or provisional Chief Justice or Puisne Justice may seem fit.

Plaintiff to deliver
particulars of in-
fringement and de-
fendant to deliver
particulars of his
objection.

6. That in any action for any infringement or invasion of the exclusive use and property of the said Abel Brear, his executors, administrators, and assigns of and in the said invention, the plaintiff shall deliver with his declaration particulars of the infringement or invasion complained of in the said action, and the defendant on pleading thereto shall deliver with his pleas particulars of any objection on which he means to rely at the trial in support of the pleas in the said action, and at the trial of such action no evidence shall be allowed to be given in support of any alleged infringement or invasion, or of any objection impeaching the validity of such exclusive use and property of the said Abel Brear, his executors, administrators, and assigns of and in the said invention which shall not be contained in the particulars delivered as aforesaid: Provided always, that it shall and may be lawful for the said Chief Justice, or in his absence or illness for the said provisional Chief Justice or Puisne Justice at chambers, to allow such plaintiff or defendant respectively to amend the particulars delivered as aforesaid upon such terms as to such Chief Justice or provisional Chief Justice or Puisne Justice may seem fit.

Special defence to be
specially pleaded.

7. That in any action for any infringement or invasion of the exclusive use and property of the said Abel Brear, his executors, administrators, and assigns of and in the said invention, the defendant shall by pleading the general issue deny the fact only of the infringement or invasion complained of, and if such defendant has any special defence to any such action he shall plead the same specially and shall not be allowed to give any special matter of defence in evidence under the general issue.

Certified copy of
specification admis-
sible in evidence.

8. That a copy of the said description or specification of the said invention filed in the office of the Colonial Secretary shall and may, if certified by the Colonial Secretary as a correct copy of the said description or specification filed in his office, be given in evidence in any action for the infringement or invasion of the exclusive use and property of the said Abel Brear, his executors, administrators, and assigns of and in the said invention.

Cesser of exclusive
property in the
invention.

9. That if at any time during the said term it shall appear that the said invention is contrary to law or prejudicial or inconvenient to Her Majesty's subjects in this Colony, or that it is not a new invention as to the public use and exercise thereof, or that the said Abel Brear is not the true and first inventor thereof, then the said Abel Brear, his executors, administrators, and assigns shall no longer have the exclusive use and property of and in the said invention.

SCHEDULE.

ANTIGUA, to wit.

A.B. by *C.D.* his attorney sues *E.F.* for that invented a new, improved, and useful plan of discharging liquids from kettles and other vessels, and on the introduction of such invention into this Colony an Act was passed, intituled "An Act for granting to Abel Brear the exclusive Property in an Invention for discharging Liquids from Kettles or other Vessels," by which is secured to the said Abel Brear, his executors, administrators, and assigns for and during the space or term of seven years from the day of the date of the said Act, being the tenth day of January in the year of our Lord one thousand eight hundred and sixty-three, the exclusive right and privilege of in any way whatsoever making, setting up, erecting, establishing, using, exercising, employing, applying, or selling or disposing of the said invention, and the defendant during the said space or term did infringe and invade the said exclusive use and property of the said Abel Brear, his executors, administrators, and assigns of and in the said invention, and the plaintiff claims £

No. 188.

AN ACT to levy a Tax on certain Wheeled Vehicles.

[Dated 5th June 1863; Left to its operation by Order in Council dated 7th January 1864.]

BE it enacted by the Governor, the Council, and Assembly :

1. The owner or owners of any cart, carriage, hearse, or other wheeled vehicle kept for or at any time lent to hire, shall within thirty days after the first day of January in each year register such cart, carriage, hearse, or other wheeled vehicle at the treasury, and at the time of such registry shall pay a tax of eight shillings for each wheel of such cart, carriage, hearse, or other wheeled vehicle for the then current year, and the number of the registry of such cart, carriage, hearse, or other wheeled vehicle shall be recorded at the treasury, and there shall at the time of such registry be delivered to the owner of such cart, carriage, hearse, or other wheeled vehicle so registered as aforesaid a small brass or other metal plate or badge on which shall be stamped or engraven in legible characters the word "licence" with the number of the cart, carriage, hearse, or other wheeled vehicle registered, and such metal, plate, or badge shall be kept firmly affixed to some conspicuous part of the cart, carriage, hearse, or other wheeled vehicle for which the same is granted: Provided always, that the owner or owners of any cart, carriage, hearse, or other wheeled vehicle who may desire to keep for or let out to hire such cart, carriage, hearse, or other wheeled vehicle may at any time in the course of a year register the same at the treasury upon paying a proportion of the tax herein-before made payable according to and such as shall be equal to the then unexpired portion of the then current year, the number of the registry of such cart, carriage, hearse, or other wheeled vehicle being recorded at the treasury, and such plate or badge as aforesaid being also delivered and affixed on such cart, carriage, hearse, or other wheeled vehicle as is herein-before provided.

Wheeled vehicles kept for hire to be registered.

Tax of 8s. per wheel per annum badge.

Proportion of tax.

2. The owner of any cart, carriage, hearse, or other wheeled vehicle which shall not have been so registered as aforesaid, or which shall not have affixed thereon such plate or badge as aforesaid, shall be subject on conviction before a police magistrate of any such offence to a fine or penalty not exceeding twenty pounds as to the convicting magistrate shall seem meet, and in default of payment of the fine or penalty imposed by such magistrate at such time as such

Penalty for non-registration or omission to affix badge.

magistrate shall direct, such cart, carriage, hearse, or other wheeled vehicle shall be confiscated and sold, and the proceeds of the sale shall be applied to the payment of such fine or penalty, with all expenses of sale, rendering the surplus, if any, to the said owner.

Replacement of lost badge.

3. It shall be lawful for any police magistrate to inquire into and investigate any alleged loss of the plate or badge delivered from the treasury for any cart, carriage, hearse, or other wheeled vehicle, and upon certificate of such magistrate that such plate or badge has been lost, it shall be lawful to deliver from the treasury to the owner of any such cart, carriage, hearse, or other wheeled vehicle a duplicate of such plate or badge for such cart, carriage, hearse, or other wheeled vehicle upon payment of the sum of five shillings.

Penalty for improper use of badge or counterfeiting same.

4. Any person who shall allow any such plate or badge to be used for any other vehicle than that for which it was delivered from the treasury, or who shall forge, make, or counterfeit, or procure to be made, forged, counterfeited, or delivered, or who shall have in his possession when so forged or counterfeited any such plate or badge as aforesaid, shall at the discretion of the convicting magistrate be liable on conviction before any police magistrate either to imprisonment in the common gaol, with or without hard labour, for any period not exceeding thirty days, or to a fine or penalty not exceeding five pounds, and in default of payment of such fine or penalty at such time as shall be directed by the convicting magistrate to imprisonment in the common gaol, with or without hard labour, for any period not exceeding thirty days.

Penalty for hiring vehicle without badge.

5. Any person who shall hire or use for hire any such cart, carriage, hearse, or other wheeled vehicle which shall not have affixed thereon as herein-before directed such plate or badge as aforesaid, shall be liable on conviction before a police magistrate to a fine or penalty not exceeding five pounds, and in default of payment of such fine or penalty at such time as shall be directed by the convicting magistrate shall be liable to imprisonment in the common gaol, with or without hard labour, for any period not exceeding thirty days: Provided that a sum in the discretion of the convicting magistrate not exceeding one-half part of the fine or penalty imposed for any such offence shall be paid to the person giving the information of the commission of any such offence, and any such person giving such information shall be a competent witness to prove such offence.

Recovery of penalties.

6. All fines and penalties hereby made payable, the application of which is not otherwise herein-before provided for, shall be paid into the public treasury for the public uses of the Colony.

No. 189.

AN ACT to consolidate the Acts to provide Medical Attendance for the Infant Children of the Labouring Population, and for the Poor and Destitute, and to render such Medical Attendance accessible to the Labouring Population at large.

[Dated 5th June 1863; Left to its operation by Order in Council dated 3rd February 1864.]

WHEREAS an undue mortality, ascribed in a great measure to the want of proper medical attendance, prevails among the infant children, more especially of the labouring population, and it is expedient with the view of arresting so great

an evil to make provision for medical attendance upon such children, and for the poor and destitute, and to render the same accessible upon reasonable and practicable terms to the labouring population at large :

Be it enacted by the Governor, the Council, and Assembly as follows :

1. For the purposes of this Act the Island shall be divided into six districts : Island divided into districts.

No. 1. To consist of the city of Saint John, the district of Saint Luke, and the division of Five Islands :

No. 2. To consist of the parish of Saint George and the district of Saint James :

No. 3. To consist of the parish of Saint Peter, including the district of All Saints :

No. 4. To consist of the parish of Saint Philip :

No. 5. To consist of the parish of Saint Paul :

No. 6. To consist of the parish of Saint Mary.

2. It shall be lawful for Her Majesty, Her heirs and successors, to appoint for each of the said districts one duly qualified medical practitioner, and from time to time to remove such practitioner, and upon such removal, or any vacancy by death or otherwise, to appoint some other duly qualified practitioner, provided that the existing appointments of medical practitioner to any of the said districts made under the Acts hereby repealed shall continue in force during the pleasure of Her Majesty. Qualified medical practitioners to be appointed for each district.

3. The duties of the several persons so appointed shall be as follows :

To afford from time to time as and when the same shall be requisite gratuitous medical and surgical aid, and to furnish without charge all necessary medicines to children under ten years of age of labourers, and all labourers over sixty years within their respective districts :

Duties of medical practitioners.

To cause all such children to be duly vaccinated :

To afford on the order of any justice of the peace or minister of religion gratuitous medical and surgical aid, and to furnish all necessary medicines to any sick and destitute person within his district, and to any such person having a ticket of admission to the poor house until such person shall be in a condition to be removed with safety to the poor house, and to any poor and destitute woman within his district who may be suffering in travail or childbirth. To furnish to the Governor a quarterly return of the cases coming under treatment in the form from time to time directed by the Governor in Council, as well as of the number of children vaccinated in their several districts, and a report setting forth the sanitary condition of their several districts, and specially noticing any nuisance or other matter tending to engender disease :

To enter into and inspect from time to time any shop, building, stall, or place within their several districts kept or used for the sale of butcher's meat, poultry, or fish, or any other article of human food, and to examine any animal, carcase, meat, poultry, fish, whether fresh, salted, or dried, milk, or cheese, rice, flour, potatoes, or any other vegetables used as food, or any spirituous or fermented liquors which may be therein ; and in case any of the matters so examined shall appear to such medical practitioner to be intended for sale as food for man, and to be unfit for such food, to seize or cause the same to be seized and to convey it to the nearest police station, and to proceed against the person to whom the condemned goods belong or in whose custody the same are found according to law.

Medical tariff to be framed by Governor in Council.

4. It shall be lawful for the Governor in Council to frame a tariff or docket of fees which shall be payable to the said medical practitioners for professional services rendered and medicines supplied to labourers and other patients within their several districts, and from time to time alter and vary such tariff, and such tariff shall be binding upon the said practitioners; provided that any tariff or docket of fees made under any of the Acts hereby repealed shall continue in force and be binding until altered as aforesaid.

Residence of medical practitioners.

5. The said several medical practitioners shall be resident within their respective districts, except that the medical practitioner appointed or to be appointed for district No. 6 may with the consent of the Governor in Council reside out of his district during such time as the Governor in Council may allow, and each of the said medical practitioners shall receive a salary at and after the rate of one hundred and fifty pounds *per annum* payable monthly on the order of the Governor to the Treasurer.

Their salary.

Definition of labourer.

6. For the purposes of this Act the word labourers shall mean all handicraftsmen, menial and predial servants, boatmen, and porters.

Duration of Act.

7. This Act shall continue in force for the term of five years, reckoning from the first day of January one thousand eight hundred and sixty-two, and thenceforward to the next meeting of the Council and Assembly.

MEDICAL RELIEF.

The following Scale of Charges has been adopted by the Governor and Council under the Act No. 189, viz.:

Labouring Class—Friendly Societies.

	£	s.	d.
Each member to be charged per annum, payable quarterly in advance -	-	0	8 0
For midwifery attendance on member of a Friendly Society -	-	0	16 0
Labouring class (not members of a Friendly Society), including families of overseers:			
A visit within a mile of practitioner's residence -	-	0	3 0
Ditto by night, special summons -	-	0	8 0
Ditto beyond a mile (extra per mile) -	-	0	1 0
Ditto by night, beyond a mile (extra per mile) -	-	0	2 0
Advice at practitioner's house, including medicine -	-	0	2 6
MIDWIFERY, for each case -	-	0	16 0
Ditto instrumental (extra) -	-	1	0 0
SURGERY, extraction of teeth and minor operations -	-	0	4 0
Treatment of compound fractures of the thigh -	-	-	-
Ditto of compound fractures or compound dislocations of the leg -	-	5	0 0
Amputation of leg, arm, foot, or hand -	-	-	-
Operation for strangulated hernia -	-	-	-
Treatment of simple fractures, or simple dislocations of the thigh or leg -	-	3	0 0
Minor amputations -	-	2	0 0
Treatment of dislocations or fractures of the arm -	-	1	0 0

	£	s.	d.
Hydrocele (palliative operation) - - -	0	10	0
Ditto (radical ditto) - - -	1	0	0
Paracentesis abdominis - - -	0	10	0
MEDICINES, one dose of pills or powders - - -	0	0	6
A draught - - -	0	1	0
Mixtures and solutions, per oz. - - -	0	0	3
Liniment or drops per oz. - - -	0	1	0
A blister, according to size, from 1s. to - - -	0	2	0
A box of ointment, from 1s. to - - -	0	2	0
Lotion per pint - - -	0	2	0

Persons not included in this tariff will make their own agreement.

No. 190.

AN ACT to consolidate and amend the Statute Law of Antigua relating to 24 & 25 Viet. c. 100.
Offences against the Person.

[Dated 3rd July 1863; Left to its operation by Order in Council dated 7th January 1864.]

WHEREAS it is expedient to consolidate and amend the statute law of Antigua relating to offences against the person: Be it enacted by the Governor, the Council, and Assembly of Antigua as follows:

HOMICIDE.

1. Whosoever shall be convicted of murder shall suffer death as a felon.

Murder.

2. Upon every conviction for murder the court shall pronounce sentence of death and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof may be had and taken in the same manner in all respects as sentence of death might have been pronounced and carried into execution, and all other proceedings thereupon and in respect thereof might have been had and taken before the passing of this Act, upon a conviction for any other felony for which the prisoner might have been sentenced to suffer death as a felon.

Sentence for murder.

3. The Governor shall direct the time and place for the execution of the sentence of death on persons convicted of murder, and the provost marshal shall cause the body of such murderer to be buried in such place as the Governor may approve.

Execution of sentence.

4. All persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of Her Majesty or not, and whether he be within the Queen's dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within the Queen's dominions or not, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour.

Conspiring or soliciting to commit murder.

Manslaughter.

5. Whosoever shall be convicted of manslaughter shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, or to pay such fine as the court shall award, in addition to or without any such other discretionary punishment as aforesaid.

Indictment for murder or manslaughter.

6. In any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient in any indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner herein-before specified, and then to charge the defendant as an accessory in the manner heretofore used and accustomed.

Excusable homicide.

7. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune or in his own defence or in any other manner without felony.

Petit treason.

8. Every offence which before the commencement of the Act dated the twenty-fifth day of May 1840, intituled "An Act for consolidating and amending the Laws relative to Offences against the Person," would have amounted to petit treason, shall be deemed to be murder only and no greater offence; and all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in murder.

Repealed.**Provision for trial of murder and manslaughter where the cause of death only happens in Antigua.**

23 & 24 Vict. c. 122.

9. Where any person being feloniously stricken, poisoned, or otherwise hurt at any place within this Colony shall die of such stroke, poisoning, or hurt, upon the sea or at any place out of this Colony, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in this Colony in the same manner in all respects as if such offence had been wholly committed within this Colony.

ATTEMPTS TO MURDER.**Administering poison or wounding with intent to murder.**

10. Whosoever shall administer to or cause to be administered to or to be taken by any person any poison or other destructive thing, or shall by any means whatsoever wound or cause any grievous bodily harm to any person, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Destroying or damaging a building with gunpowder with intent to murder.

11. Whosoever, by the explosion of gunpowder or other explosive substance, shall destroy or damage any building with intent to commit murder shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour and with or without solitary confinement.

12. Whosoever shall set fire to any ship or vessel or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy any ship or vessel, with intent in any of such cases to commit murder, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Setting fire to or casting away a ship with intent to murder.

13. Whosoever shall attempt to administer to or shall attempt to cause to be administered to or to be taken by any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Attempting to administer poison, or shooting or attempting to shoot, or attempting to drown, &c. with intent to murder.

14. Whosoever shall by any means other than those specified in any of the preceding sections of this Act attempt to commit murder shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

By any other means attempting to commit murder.

LETTERS THREATENING TO MURDER.

15. Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Sending letters threatening to murder.

ACTS CAUSING OR TENDING TO CAUSE DANGER TO LIFE OR BODILY HARM.

16. Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Impeding a person endeavouring to save himself from shipwreck.

17. Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person, or shoot at any person, or by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.

18. Any gun, pistol, or other arms which shall be loaded in the barrel with gunpowder or any other explosive substance, and ball, shot, slug, or other

What shall constitute loaded arms.

destructive material, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail from want of proper priming or from any other cause.

Inflicting bodily injury with or without weapon.

19. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Attempting to choke, &c. in order to commit any indictable offence.

20. Whosoever shall by any means whatsoever attempt to choke, suffocate, or strangle any other person, or shall by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour.

Using chloroform, &c. to commit any indictable offence.

21. Whosoever shall unlawfully apply or administer to, or cause to be taken by, or attempt to apply or administer to or attempt to cause to be administered to or taken by any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour.

Maliciously administering poison, &c. so as to endanger life or inflict grievous bodily harm.

22. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour.

Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy any other person.

23. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanor, they may find him guilty accordingly.

24. If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

Not providing apprentice or servant with food, &c., and whereby life endangered.

25. Whosoever, being legally liable either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall

be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

26. Whosoever shall unlawfully abandon or expose any child being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Exposing children whereby life endangered.

27. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Causing bodily injury by gunpowder.

28. Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Causing gunpowder to explode or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do grievous bodily harm.

29. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance with intent to do any bodily injury to any person shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Placing gunpowder near a building with intent to do bodily injury to any person.

30. Whosoever shall set or place or cause to be set or placed any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall knowingly and wilfully permit any such spring gun, man trap, or other engine which may have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid; provided that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin: Provided also, that nothing in this section shall be deemed to make it unlawful to set or place or cause to be set or placed or to be continued set or placed from sunset to sunrise any spring gun, man trap or other engine which shall be set or placed

Setting spring guns, &c. with intent to inflict grievous bodily harm.

or caused or continued to be set or placed in a dwelling house for the protection thereof.

Drivers of carriages
injuring person by
furious driving.

31. Whosoever having the charge of any carriage or vehicle shall, by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

ASSAULTS.

Obstructing or as-
saulting a clergyman
or other minister in
the discharge of his
duties.

32. Whosoever shall by threats or force obstruct or prevent or endeavour to obstruct or prevent any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place, or shall strike or offer any violence to, or shall upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in or to the knowledge of the offender is about to engage in any of the rites or duties in this section aforesaid, or to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaulting a magis-
trate, &c. on account
of his preserving
wreck.

33. Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorized in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Assault with intent
to commit felony on
peace officer, &c.

34. Whosoever shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any peace officer in the due execution of his duty, or any person acting in aid of such officer, or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Assault with intent,
to obstruct the sale
of grain or its free
passage.

35. Whosoever shall beat or use any violence or threat of violence to any person with intent to deter or hinder him from buying, selling, or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of any corn or other grain, flour, meal, arrowroot, potatoes, yams, tanniers, eddoes, or other ground provisions in any market or other place, or shall beat or use any such violence or threat to any person having the care or charge of any corn or other grain, flour, meal, arrowroot, potatoes, yams, tanniers, eddoes, or other ground provisions whilst on the way to or from any city, market town, or other place, with intent to stop the conveyance of the same, shall on conviction thereof before a police magistrate be liable to be imprisoned and kept to hard labour in the common gaol for any term not exceeding three months; provided that no person who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

Assault on seamen,
&c.

36. Whosoever shall unlawfully and with force hinder or prevent any seaman, keelman, or caster from working at or exercising his lawful trade, business, or

occupation, or shall beat or use any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall on conviction thereof before a police magistrate be liable to be imprisoned and kept to hard labour in the common gaol for any term not exceeding three months; provided that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever.

37. Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, shall unlawfully assault any person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaults arising from combination.

38. Where any person shall unlawfully assault or beat any other person a police magistrate, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall upon conviction thereof before him forfeit and pay such fine as shall appear to him to be meet, not exceeding, together with costs (if ordered) the sum of five pounds; and if such fine as shall be so awarded, together with the costs, if ordered, shall not be paid either immediately after the conviction or within such period as the said magistrate shall at the time of the conviction appoint, he may commit the offender to the common gaol, there to be imprisoned for any term not exceeding two months, unless such fine and costs be sooner paid.

Persons committing any common assault or battery may be compelled by police magistrate to pay fine and costs not exceeding 5*l.* or be imprisoned.

39. When any person shall be charged before a police magistrate with an assault or battery upon any male child whose age shall not in the opinion of such magistrate exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said magistrate, if the assault or battery is of such an aggravated nature that it cannot in his opinion be sufficiently punished under the provisions herein-before contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and if the same be proved may convict the person accused; and every such offender shall be liable to be imprisoned in the common gaol, with or without hard labour, for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of twenty pounds, and in default of payment to be imprisoned in the common gaol for any period not exceeding six months, unless such fine and costs be sooner paid, and if the magistrate shall so think fit, in any of the said cases shall be bound to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

Persons convicted of aggravated assault on females and boys under 14 years of age may be imprisoned or fined.

40. If the magistrate upon the hearing of any such case of assault or battery upon the merits, where the complaint was preferred by or on the behalf of the party aggrieved, under either of the last two preceding sections, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, he shall forthwith make out a certificate under his hand, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

If the magistrate dismiss the complaint he shall make out a certificate to that effect.

41. If any person against whom any such complaint as in either of the last three preceding sections mentioned shall have been preferred by or on the behalf of the party aggrieved shall have obtained such certificate, or having been convicted shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment or imprisonment with hard labour awarded, in

Certificate on conviction shall be a bar to any other proceeding.

every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

These provisions not to apply to certain cases.

42. Provided that in case the magistrate shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same: Provided also, that nothing herein contained shall authorize any magistrate to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice.

Assault occasioning bodily harm.

Common assault.

43. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted upon an indictment for a common assault shall be liable at the discretion of the court to be imprisoned for any term not exceeding one year, with or without hard labour.

RAPE, ABDUCTION, AND DEFILEMENT OF WOMEN.

Rape.

44. Whosoever shall be convicted of the crime of rape shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour.

Procuring defilement of girl under age.

45. Whosoever shall by false pretences, false representations, or other fraudulent means, procure any woman or girl under the age of twenty-one years to have illicit carnal connexion with any man, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Carnally knowing a girl under 10 years of age.

46. Whosoever shall unlawfully and carnally know and abuse any girl under the age of ten years shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour.

Carnally knowing a girl between the ages of 10 and 12.

47. Whosoever shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Attempt to commit the last two offences.

48. Whosoever shall be convicted of any indecent assault upon any female or of any attempt to have carnal knowledge of any girl under twelve years of age shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Abduction of a woman against her will from motives of lucre.

49. Where any woman of any age shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be a presumptive heiress or co-heiress, or presumptive next of kin, or one of the presumptive next of kin, to any one having such interest, whosoever shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person; and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession and against the will of her father or

Fraudulent abduction of girl under age against the will of her father, &c.

mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she shall have any such interest, or which shall come to her as such heiress, co-heiress, or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place such property shall, upon such conviction, be settled in such manner as the Court of Chancery in this Colony shall, upon any information at the suit of the Attorney-General, appoint.

Offender incapable of taking any of her property.

50. Whosoever shall by force take away or detain against her will any woman of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour.

Forceful abduction of any woman with intent to marry her.

51. Whosoever shall unlawfully take or cause to be taken any unmarried girl being under the age of sixteen years out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

Abduction of girl under 16 years of age.

CHILD STEALING.

52. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy, or entice away, or detain any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall with any such intent receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and if a male under the age of sixteen years with or without whipping; provided that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

Child stealing.

BIGAMY.

53. Whosoever, being married, shall marry any other person during the life of the former husband or wife shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour: Provided that nothing in this section contained shall extend to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by

Bigamy.

such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

ATTEMPTS TO PROCURE ABORTION.

Administering drugs or using instruments to procure abortion.

54. Every woman being with child who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Procuring drugs, &c. to cause abortion.

55. Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

CONCEALING THE BIRTH OF A CHILD.

Concealing the birth of a child.

56. If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour: Provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did by some secret disposition of the dead body of such child endeavour to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

UNNATURAL OFFENCES.

Sodomy and bestiality.

57. Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Attempt to commit an infamous crime.

58. Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour.

Carnal knowledge defined.

59. Whenever upon the trial for any offence punishable under this Act it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

MAKING GUNPOWDER TO COMMIT OFFENCES.

60. Whosoever shall knowingly have in his possession or make or manufacture any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit or for the purpose of enabling any other person to commit any of the felonies in this Act mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Making or having gunpowder, &c. with intent to commit any felony against this Act.

OTHER MATTERS.

61. Any constable or peace officer may take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony in this Act mentioned, and shall take such person as soon as reasonably may be before a police magistrate, to be dealt with according to law.

Any person loitering at night and suspected of any felony against this Act may be apprehended.

62. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any felony punishable under this Act (except murder) shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour; and every accessory after the fact to murder shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour; and whosoever shall counsel, aid, or abet the commission of any indictable misdemeanor punishable under this Act shall be liable to be proceeded against, indicted and punished as a principal offender.

Punishment of principals in the second degree and accessories.

63. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the court may sentence the offender to be imprisoned or to be imprisoned and kept to hard labour in the common gaol; and all male offenders sentenced or made liable to imprisonment with hard labour under this Act may be worked and employed under the provisions contained in section forty-nine of the Act dated the 8th day of September 1857, entitled "An Act for improving the Administration of Criminal Justice."

Hard labour in gaol.

64. Whenever solitary confinement may be awarded for any offence under this Act the court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment or of any imprisonment with hard labour which the court may award, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any offence under this Act the court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

Solitary confinement and whipping.

65. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act the court may, if it shall think fit, in addition to or in lieu of any punishment by this Act authorized, fine the offender and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act otherwise than with death the court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by

Fine and sureties for keeping the peace in what cases.

No certiorari, &c.

this Act authorized; provided that no person shall be imprisoned for not finding sureties under this clause for any period exceeding one year.

66. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

On a conviction for assault the court may order payment of allowance for loss of time to prosecutor by the Defendant.

67. Where any person shall be convicted on any indictment of any assault, whether with or without battery and wounding, or either of them, such person may, if the court think fit, in addition to any sentence which the court may deem proper for the offence, be adjudged to pay to the prosecutor such moderate allowance for the loss of time as the court shall by affidavit or other inquiry and examination ascertain to be reasonable; and unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the court shall award not exceeding three months in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Such allowance may be levied by distress.

68. The court may by warrant under seal order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender and paid to the prosecutor, and that the surplus, if any, arising from such sale shall be paid to the owner; and in case such sum shall be so levied the imprisonment awarded until payment of such sum shall thereupon cease.

Proceedings for offences punishable on summary conviction.

69. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act, dated the 29th day of August 1861, entitled "An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders;" and all provisions contained in the said Act, including the right of appeal when and on the terms thereby allowed, shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

70. Repealed.

Application of fines and penalties.

71. Every fine or penalty awarded under this Act, and not thereby directed to be paid to the prosecutor or party aggrieved, shall be payable to Her Majesty, Her heirs and successors, and shall be paid over to the public Treasurer for the public uses of the Colony.

Commencement of Act.

72. This Act shall commence and take effect on the first day of October 1863.

No. 191.

AN ACT to provide for the Collection of Duties on Goods, Wares, and Merchandise imported into this Colony.

[Dated 18th July 1863; Left to its operation by Order in Council dated 7th January 1864.]

WHEREAS it is expedient to alter, amend, and consolidate the various laws at present in force for levying duties on goods, wares, and merchandise imported into this Colony:

Be it enacted by the Governor, the Council, and Assembly:

Master before breaking bulk shall report.

1. The master of any vessel arriving at this Colony shall with all convenient speed after the arrival of such vessel and before bulk be broken report at the public Treasury the arrival of such vessel, and if he shall enter such vessel inwards shall upon such entry make a declaration or report in writing in the form set forth in schedule A. to this Act, and shall answer all such questions

concerning such vessel or the contents of such vessel as shall be put to him by the Treasurer or any person acting for him or under his authority, and shall at the same time produce a bill or bills of lading or a true copy or copies thereof for every part of the cargo, and he shall not unlade or permit to be unladen from such vessel any goods, wares, or merchandise without the warrant or permission of the Treasurer authorizing the unloading of the same.

2. Before any goods, wares, or merchandise (except as is herein-after excepted) shall be landed from any vessel arriving at this Colony, the importer, owner, or consignee thereof or his agent shall enter such goods, wares, or merchandise at the public Treasury at the same time and for such purpose, delivering to the Treasurer or any person acting for him or under his authority three bills of entry of such goods, wares, or merchandise, in such form and containing such particulars as is and are set forth and described in schedule B. to this Act, and shall at the same time pay the duties made payable on such goods, wares, and merchandise, except on such as are intended to be warehoused under the provisions herein-after for that purpose contained, and upon such duties having been paid the Treasurer shall grant his warrant for the landing of such goods, wares, or merchandise: Provided that any goods, wares, or merchandise imported into this Colony or consigned to any person in this Colony by or on board any vessels under contract for the carriage of Her Majesty's mails may be landed without the observance of any of the requirements or provisions contained and mentioned in this section, and provided that such goods, wares, or merchandise be on landing delivered into the possession and keeping of some person authorized by the Treasurer to receive the same.

3. If any vessel shall have been in any port or bay or near any part of the coast of this Colony laden with a cargo which is subject to duty, and such vessel shall be afterwards found without such or any part of such cargo on board, the master or owner of such vessel shall give a satisfactory account of the port or place at which such vessel shall have unladed or discharged such or any part of such cargo.

4. If the importer, consignee, or owner of any goods, wares, or merchandise shall satisfy the Treasurer that he cannot make a perfect entry thereof, it shall be lawful for the Treasurer to receive an entry by bill of sight for the packages or parcels containing or made up of such goods, wares, or merchandise by the best description which can be given of the same, and to grant a warrant authorizing and permitting the same to be landed, and such goods, wares, or merchandise shall when landed be at the expense of the importer, owner, or consignee secured to the satisfaction of the Treasurer, and may then be seen and examined by such importer, owner, or consignee in the presence of the Treasurer or any person acting for him or under his authority; and within three days from the time of granting such warrant, except when such goods, wares, or merchandise are intended to be warehoused under the provisions herein for that purpose contained, the duties payable on such goods, wares, or merchandise shall be paid, in default of which such goods, wares, or merchandise shall be taken into the custody of and detained by the Treasurer; and if the importer, owner, or consignee of such goods, wares, or merchandise shall not within three months after such landing make a perfect entry of such goods, wares, or merchandise, and shall not pay the duties thereon together with all charges for warehousing the same, and all charges incurred on account of the same, such goods, wares, or merchandise shall and may be sold by the Treasurer, and the proceeds of such sale shall be applied first in payment of any expense attending such sale and the warehousing of such goods, wares, or merchandise, and next in payment of the duties on such goods, wares, or merchandise, and the surplus of such proceeds

Form of report.

Entry of goods by importer.

Payment of duties.

Proviso in respect of goods brought by vessel under contract to carry mails.

Master of vessel to give satisfactory account of cargo unladed.

Bill of sight if goods be not known.

Importer to examine and make perfect entry in three days, and goods to be detained by Treasurer and in three months may be sold.

(if any) shall on demand thereof be paid to the importer, owner, or consignee of such goods, wares, or merchandise.

Goods whereof the owner is unknown.

5. If the master of any vessel arriving at this Colony shall notify to the Treasurer that he does not know to whom any part, package, or parcel of or among the goods, wares, or merchandise laden on board such vessel is consigned, or that the consignee of the same has failed to make due entry thereof, it shall be lawful for the Treasurer to land such goods, wares, or merchandise, and convey the same to some suitable place and to detain the same until due entry shall have been made thereof, and the duties thereon and all charges and expenses which may have been incurred in landing, conveying, and securing the same shall have been fully paid; and if perfect entry of such goods, wares, or merchandise and such duties and charges thereon and on account thereof shall not be made and paid within sixty days after the same shall have been so landed and secured as aforesaid, such goods, wares, or merchandise shall be confiscated, and shall and may be sold by the Treasurer by public auction to the highest bidder, and the proceeds of the sale thereof shall after payment of all expenses as aforesaid be paid into the public Treasury for the public uses of the Colony.

Goods landed from vessels under contract to carry mails.

6. It shall be lawful for the Treasurer to take into his possession and custody all goods, wares, and merchandise which shall be landed from any vessels under contract for the carriage of Her Majesty's mails, and to cause the same to be taken to and deposited in such place or places of security as he shall appoint therein to be kept until the same shall be duly entered and the duties thereon shall together with the charges of conveyance of the same have been paid; and no importer, consignee, or owner of any such goods, wares, or merchandise shall take or receive the same after the same shall have been so secured until due and perfect entry thereof shall have been made and the duties and charges thereon shall have been paid.

Invoice to be produced.

7. In all cases where the duties imposed by any Act upon goods, wares, or merchandise and made payable according to the value of such goods, wares, or merchandise, the importer, owner, or consignee thereof or his agent shall at the time of entering such goods, wares, or merchandise produce and show to the Treasurer the invoice thereof, and in the event of his not having any invoice thereof shall state to the best of his knowledge the value of such

Declaration of value.

goods, wares, or merchandise, and shall at the same time sign and make before the Treasurer, or any person acting for him or under his authority, a declaration in the form set forth in schedule B. to this Act; and if it shall appear to the Treasurer that any goods, wares, or merchandise are not valued by the importer, owner, or consignee, according to the true price or value thereof at the place whence the same were exported, he may detain such goods, wares, or merchandise and cause the same to be examined by two competent persons to be selected and appointed by him, and such persons shall appraise such goods, wares, or merchandise, the packages in which the same are contained, if duty is payable on such packages, according to the best of their knowledge, and the value so declared shall be deemed and taken to be the value of such goods, wares, or merchandise and packages for the purposes of this Act, and the duties made payable shall be paid on such goods, wares, or merchandise and packages according to such valuation; and the Treasurer may pay to each of such persons so valuing such goods, wares, or merchandise and packages a sum not exceeding one pound.

Goods undervalued may be detained by Treasurer.

Appraisement.

Goods whereon duty is not paid within 20 days after entry to be detained and sold.

8. If the importer, owner, or consignee of any goods, wares, or merchandise shall refuse to pay the duties payable thereon, as also the duties payable on the package or parcel containing such goods, wares, or merchandise within twenty

days from the time that such goods, wares, or merchandise shall have been entered for importation, the Treasurer shall take and secure such goods, wares, or merchandise, and the package or parcel containing the same, and shall sell the same respectively by public auction to the highest bidder for the same at the expiration of not less than seven days after the same shall have been respectively taken and secured, and shall apply the proceeds of such sale in payment first of the expenses attending such sale, and next of the duties payable on such goods, wares, or merchandise and packages or parcels, and shall pay the surplus (if any) to the importer, owner, or consignee of such goods, wares, or merchandise, or his agent.

9. It shall be lawful for the Treasurer with the consent of the Commissioners of the Treasury to appoint, and by writing under his hand license, suitable warehouses not exceeding thirteen for the warehousing under the provisions hereinafter contained any goods, wares, or merchandise imported into this Island, and from time to time with such consent to revoke any such licence.

Appointment of warehouses.

10. It shall be lawful for the importer, owner, or consignee of any goods, wares, or merchandise imported into this Colony to warehouse such goods, wares, or merchandise in any one of such licensed warehouses without payment of any duty on the first entry of the same, and such warehouse shall be locked and secured in such manner and shall be opened or visited only at such time and by and in the presence of the Treasurer or such Treasury officer as the Treasurer shall direct.

Goods may be warehoused.

11. All goods, wares, or merchandise which shall have been so as aforesaid warehoused, and which the importer, owner, or consignee thereof may desire to export, shall, upon being taken out of the warehouse for exportation, be transported and shipped without delay and in the presence of an officer of the Treasury department.

Exportation of warehoused goods.

12. If the importer, owner, or consignee of any goods, wares, or merchandise which shall have been so as aforesaid warehoused desire to enter the same for home consumption and use, he shall enter the same and pay the duties thereon as herein-before directed, and no such goods, wares, or merchandise shall be removed or taken from any such warehouse without the warrant of the Treasurer authorizing and permitting the removal of the same.

Entry of warehoused goods for home consumption.

13. All goods, wares, or merchandise which shall have been entered to be warehoused which shall not be duly carried to and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse shall not be duly shipped and exported, or shall be afterwards relanded without the permission of the Treasurer, shall be forfeited.

Goods entered for the warehouse and not deposited in or taken out of warehouse without entry, or entered for exportation and not exported, forfeited.

14. Before any goods shall be warehoused the proprietor or occupier of the warehouse shall enter into a bond with two sufficient sureties, to be approved of by the Governor, for the payment of the duties on all such goods, wares, or merchandise as shall and may from time to time and at any time be warehoused therein.

Warehouse keeper to give bond.

15. The Treasurer may permit moderate samples of any goods, wares, or merchandise warehoused to be taken from the warehouse.

Sample.

16. All goods, wares, or merchandise which shall have been warehoused shall be either duly cleared for exportation or entered for home consumption within two years from the time of entering the same for the warehousing thereof, and if any such goods, wares, or merchandise shall not be so cleared or entered for home consumption or use the Treasurer may sell the same by public auction, and shall apply the proceeds of such sale first in paying the rent and expenses for and of warehousing such goods, wares, or merchandise, and next

Goods to be cleared in two years, if not cleared to be sold.

in paying the duties payable thereon, and shall on demand thereof pay the surplus proceeds (if any) to the importer, owner, or consignee of such goods, wares, or merchandise.

Duties chargeable on weight, gauge, or value at time of delivery from warehouse.

17. On all goods, wares, or merchandise liable to leakage or manifest loss of weight, or deterioration in value by long detention, which shall have been deposited in any one of the warehouses hereby authorized to be appointed, the duties shall, if required by the importer, consignee, or owner, be charged, levied, and paid on the weight, gauges, or value of such goods, wares, or merchandise at the time that the same shall be delivered from the warehouses.

Goods liable to specific duties deteriorated below the value of such duties to pay *ad valorem* duty.

18. In cases where there shall have been so extensive a deterioration in the value of goods, wares, or merchandise deposited in any one of the said warehouses on which specific duties are payable as to render such goods, wares, or merchandise unsaleable for the amount of the duties on the same, it shall be lawful for the Treasurer to have the same valued, and there shall be charged, levied, and paid on such goods, wares, or merchandise an *ad valorem* duty according to the rate of such duty at such time chargeable and payable.

Landing hours.

19. No goods, wares, or merchandise shall be landed from any vessel at any port or place in this Island except between the hours of seven and nine in the morning, and ten in the morning and four in the afternoon, without the special permission of the Treasurer; and the Treasurer may make such regulations for the carrying coastwise of any goods, wares, or merchandise, and all goods, wares, or merchandise laden, waterborne, landed, or unladen contrary to the provisions of this Act shall be forfeited; provided that all such regulations shall be first sanctioned by the Governor in Council.

Particulars of warrant for landing or warehousing goods.

20. No warrant for or in relation to any goods, wares, or merchandise shall be deemed valid unless the particulars of the goods, wares, or merchandise and the packages mentioned in such warrant shall correspond with the particulars of the goods, wares, or merchandise and packages purporting to be the same in the report of the vessel from or on board of which the same goods, wares, or merchandise and packages shall have been imported; and any goods, wares, or merchandise taken or delivered out of any vessel or out of any warehouse by virtue of any warrant not in all respects corresponding with or not properly describing the same shall be deemed to be goods, wares, or merchandise landed or taken without due entry thereof, and shall be forfeited, unless satisfactory evidence be afforded to the Treasurer of the absence of any intention to violate the provisions of this Act.

Forfeiture.

Return of duty paid on goods exported.

21. Upon the exportation of any goods, wares, or merchandise upon which the duties payable thereon shall have been paid, it shall be lawful for the Treasurer within thirty days after the exportation of the same, upon a certificate from the landing surveyor that such goods, wares, or merchandise have been duly exported, to return to such person the duties which shall have been paid on such goods, wares, or merchandise: Provided that the person intending to export any such goods, wares, or merchandise shall previously to the time of the exportation of the same have given notice to the Treasurer of his intention to export such goods, wares, or merchandise, and of the name of the vessel by which the same are intended to be exported, and also a full description of such goods, wares, or merchandise; provided also, that the goods, wares, and merchandise which shall have been exported are of not less value than ten pounds, according to the value by which the same shall have been entered, and that the drawback of such duties be claimed within one year after the payment of the duties thereon.

Provided such goods on original entry were of not less value than 10*l*, and drawback be claimed within one year.

Vessels, carts, &c. used in the removal of goods liable to

22. All vessels, boats, carriages, carts, or other vehicles of any kind whatsoever, and all horses, mules, donkeys, or cattle made use of in the removing or

carrying any goods, wares, or merchandise which are by the provisions of this Act made liable to forfeiture shall be liable to be forfeited, and may be seized by the Treasurer or any officer of the Treasury department or any police officer or other duly authorized person, unless satisfactory proof be afforded to the Treasurer by the owner thereof or his agent that the same were not used for such purposes with the consent or with the knowledge of such owner or his agent having the control of the same; and any person who shall in any way assist or be concerned or interested in or shall be present at the unloading, landing, removal, or shipping or harbouring of any goods, wares, or merchandise, or into whose hands, keeping, or possession, or in or near or on whose house, tenement, store, loft, warehouse, yard, garden, or other premises any such goods, wares, or merchandise shall have come or shall be with his consent or knowledge shall be liable on conviction thereof before a police magistrate to a fine or penalty of a sum not exceeding one hundred pounds, and in default of payment of such sum of money and the costs (if any) within such time, not exceeding forty-eight hours from the time of such conviction, as shall be directed by the convicting magistrate, shall be liable to be committed to the common gaol, therein to be imprisoned for any time not exceeding three months, or until such fine or penalty and costs shall have been sooner paid.

forfeiture to be forfeited, and may be seized.

Aiders and abettors liable to penalty.

23. All vessels, boats, carriages, carts, or other vehicles, and all horses, mules, donkeys, or cattle which shall be seized as forfeited under the provisions of this Act shall be forthwith delivered into the custody of the Treasurer, who shall secure the same in such way as he may deem best and more advisable; and unless the owner thereof or his agent shall within seven days from the time at which the same shall have been seized give notice in writing to the Treasurer that he claims the same, and shall at the same time state his residence and occupation, the Treasurer may sell the same by public auction to the highest bidder, and shall apply the proceeds of such sale as herein-after provided with reference to forfeitures and penalties.

Vessels, &c. seized as forfeited to be secured by Treasurer, and unless claimed within seven days to be sold.

24. When any such claim as mentioned in the last preceding section shall be made the Treasurer or any person acting for him or under his authority or on his account or the claimant shall and may within ten days after the time at which such claim shall have been made lodge or enter a complaint at the police office in the city of Saint John against such claimant on the information or prosecution of the Treasurer for having done or permitted that for which any such vessel, boat, carriage, cart, or other vehicle, horse, mule, donkey, or cattle claimed has been seized; and the police magistrate shall hear and determine such complaint, and if the police magistrate shall be satisfied that such vessel, boat, carriage, cart, or other vehicle, horse, mule, donkey, or cattle was not liable to forfeiture under the provisions of this Act he shall order the same to be and it shall be restored; and if the police magistrate shall not be satisfied that any such were not liable to forfeiture, or if the claimant or his agent or some person authorized to act and acting on his behalf shall make default in appearing at the hearing of such complaint, the police magistrate shall confirm the seizure of such vessel, boat, carriage, cart, or other vehicle, horse, mule, donkey, or cattle, and shall condemn the same, and the Treasurer may then sell the same by public auction to the highest bidder, and shall apply the proceeds of such sale in the manner herein-after provided with reference to penalties and forfeitures.

Treasurer or claimant to enter complaint at police office in city of Saint John.

Police magistrate to adjudicate thereon, and may restore or confirm seizure of goods.

Condemned goods to be sold.

25. Where any vessel, boat, carriage, cart, or other vehicle, horse, mule, donkey, or cattle is claimed in the manner herein-before provided, the proof that the same are not liable to forfeiture shall on the hearing of any complaint with reference thereto be on the person claiming the same.

Onus probandi on complainant.

Vessels arriving at this Colony may be boarded and searched.

26. It shall be lawful for the Treasurer or any person acting for him or under his authority to board any vessel arriving at this Colony, and if he sees fit upon the entry of such vessel to remain on board such vessel until all the goods, wares, or merchandise laden on board such vessel shall have been unladen, and to have free access to every part of such vessel, and to mark any goods, wares, or merchandise on board such vessel before they are unladen or landed, and lock up, seal, mark, or otherwise secure any goods, wares, or merchandise on board such vessel that may be found concealed on board such vessel, and no such mark or seal shall be opened, altered, or broken before the due delivery of such goods, wares, or merchandise.

Buildings may be searched for goods liable to forfeiture.

27. It shall be lawful for the Treasurer or any person acting for him or under his authority to enter any building, place, or premises, and to search for any goods, wares, or merchandise which he may have reason to suppose are in or on such buildings, place, or premises, and which shall be liable to forfeiture under the provisions of this Act, and for the purposes of such search to break open if necessary any door, chest, box, package, or panel, or to break and open any part or portion of such buildings, place, or premises, and to seize any such goods, wares, or merchandise, and the same to remove and secure in such way or place and in such manner as he may deem most advisable.

Clearance outwards.

28. The master of every vessel bound from this Colony shall before such vessel depart deliver to the Treasurer a content in the form set forth in Schedule C. to this Act, and shall answer all such questions concerning such vessel and cargo as shall be put to him by the Treasurer, and the Treasurer or any person acting for him or under his authority shall thereupon make out and give to such master a certificate of the clearance of such vessel.

Disposal of penalties and forfeitures.

Seizer a competent witness.

29. All penalties and forfeitures recovered under this Act shall after deducting all charges attending and incidental to the recovery thereof be applied as follows: One moiety thereof shall be paid to the person or persons who shall have seized the same (and such person shall be a competent witness in the prosecution of the complaint or case lodged or proceeded on for the recovery of any such penalty or forfeiture), and the other moiety thereof shall be paid into the public Treasury for the public uses of the Colony.

Limitation of time for the recovery of penalties and forfeitures.

30. Proceedings for the recovery of any penalty or forfeiture under this Act shall and may be commenced at any time within three calendar months after the commission of the offence or violation of the provisions of this Act by or on account of which such penalty or forfeiture shall have been incurred shall have come to the knowledge of the person instituting such proceedings.

Power of remission by Governor.

31. It shall be lawful for the Governor to remit the whole or any part of any penalty or forfeiture which shall have been incurred under the provisions of this Act.

Goods laden, unladen, or removed contrary to Act forfeited, and may be seized by Treasurer and sold.

32. All goods, wares, or merchandise which shall be laden, unladen, removed, or carried without the warrant or permission of the Treasurer in cases in which such warrant or permission is hereby made requisite for any such purpose, or in any way contrary to the provisions contained in this Act with reference thereto, shall be forfeited and may be seized as forfeited by the Treasurer or any person acting for him or under his authority, or any officer of the Treasury department or police officer, or by any duly authorized person, and may be sold by the Treasurer by public auction to the highest bidder, and the proceeds of the sale of the same shall be applied in the manner herein-before provided with reference to forfeitures or penalties.

Persons doing or omitting to do anything required by this Act, or commit-

33. Every person who shall do or omit to do anything which is by this Act forbidden or required to be done, or shall do or omit to do anything by which any goods, wares, or merchandise are hereby made liable to forfeiture, or who

shall make any false entry or declaration, or produce any false certificate, invoice, or bill of lading, or copy thereof, or shall counterfeit or falsify, or shall in any way whatever alter, or shall knowingly or wilfully use when counterfeited, or falsified, or altered any entry, content, warrant, permission, or other document for the entering, unlading, or clearing, or for the unlading, water carrying, landing, receiving, storing, or warehousing any goods, wares, or merchandise, or shall assault, resist, oppose, molest, hinder, prevent, or obstruct the Treasurer, or any person acting for him or under his authority, or any officer of the treasury department, or any police officer or other person acting under and by the authority of this Act, or shall in any way whatsoever violate, or assist in, or be party to the violation of any of the provisions of this Act, shall be liable on summary conviction thereof before a police magistrate to forfeit and pay (and in cases where goods, wares, or merchandise are hereby made liable to forfeiture beyond the forfeiture of such goods) any sum of money not exceeding one hundred pounds as to the convicting magistrate shall seem meet; and in default of payment of such sum and the costs (if any) within such time *not exceeding forty-eight hours* from the time of conviction as the convicting magistrate shall direct shall be liable to be committed to the common gaol, there to be imprisoned with or without hard labour for any time not exceeding three months as the convicting magistrate shall direct, or until such sum of money and costs shall be sooner paid, subject however to such right of appeal as is provided by the "Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders," in every case where an appeal may be prosecuted under that Act.

ting other offences herein specified, liable on summary conviction to penalty not exceeding 100*l*.

Since repealed.

No. 169, s. 28.

34. No action shall be commenced against the Treasurer or any other person for anything done under the authority of this Act unless one calendar month's notice in writing shall have been given to the Treasurer or such person, or left at his usual place of abode by the party who intends to commence such action, or by his attorney or agent, in which notice shall be explicitly expressed and contained the cause and ground of such action, and no evidence of any other than such cause of action as is expressed and contained in such notice shall be given at the trial of such action; and every such action shall be commenced within three calendar months from the time at which such cause of action shall have arisen, and the defendant may plead the general issue and may give this Act and any special matter in evidence at any trial.

Notice of action.

Limitation of action.

35. The Treasurer or any such other person may within one calendar month after the receipt of such notice of action as aforesaid tender amends to the party who shall have given such notice, or his attorney or agent, and plead such tender in bar to such action with any other pleas; and if the jury shall find the amends tendered sufficient the defendant shall be entitled to a verdict.

Tender of amends.

36. If any such action against the Treasurer or such other person as aforesaid shall abate or shall be discontinued, or the plaintiff shall be nonsuited therein, or if a judgment on demurrer or otherwise shall be pronounced or made against him, the defendant shall be entitled to recover and receive from the plaintiff treble costs.

Plaintiff to pay treble costs on discontinuance, &c.

37. In all cases in which it shall be necessary to lodge or enter and hear and determine any complaint or case under the provisions of this Act at a police office, such complaint or case shall be lodged or entered and heard and determined at the police office in the city of Saint John, and any such complaint or case may be lodged, entered, and prosecuted by any person acting for the Treasurer or under his authority or for him.

Entry and prosecution of complaint at police office.

Governor may issue commission to seize goods liable to forfeiture.

38. It shall be lawful for the Governor from time to time to issue a commission under his hand and thereby to appoint any person or persons with authority to seize any goods, wares, or merchandise which are liable to forfeiture under the provisions of this Act.

Disputes to be settled by commissioners of Treasury.

39. When any difference or dispute shall arise between the Treasurer and any person with respect to any of the provisions of this Act, except in cases in which it is provided that such difference or dispute shall be heard and determined by any other person or authority, such difference or dispute shall be submitted to the commissioners of the Treasury, or any two of them, who shall decide upon the same; provided that such decision shall not prejudice any legal right which such person shall or may possess in respect of such dispute.

Title of Act.

40. This Act may be cited as the "Tariff Collection Act."

41. Repeals certain Acts.

SCHEDULE A.

In the vessel _____ of _____ built about _____ tons, with
men besides _____ a _____ man master for this present voyage from _____

I _____ do declare that this entry now tendered and subscribed by me is a just report of the name of the above-mentioned vessel, its burthen, build, and number of mariners, the present master, and voyage, and that it further contains a true account of the lading of the said ship, with the particular marks, numbers, quantity, quality, and consignment of all the goods, wares, and merchandise in the said vessel to the best of my knowledge and belief, and that bulk hath not been broken since the arrival of the said vessel at this Colony.

Signed and declared on the _____ day of _____ one thousand eight hundred and sixty-three, in the presence of _____

SCHEDULE B.

No. _____

In the _____ master from _____

Mark.	—	Value.	Duty.

The above form shall be used in the case of goods, wares, or merchandise on which specific duties are made payable, and in cases in which duties are made payable according to the value of such goods, wares, or merchandise there shall be subjoined the following declaration :—

I _____ do hereby solemnly declare that the invoice produced is the just, true, and genuine invoice of the goods mentioned in the above entry, and that the value of the above goods including the cost of packages on which duties are payable is _____

SCHEDULE C.

Port of
Content in the

tons
passengers }
or
troops }

master for
guns
built of

Marks and numbers of packages.	Shippers.	Quantity and descrip- tion of goods.	Consignees.

I, _____ master of the vessel above named, do declare that the content above written, now tendered and subscribed by me, is a just and true account of all the goods laden on board my ship for the present voyage, and of the names of the respective shippers and consignees of the said goods, and of the marks and numbers of the packages containing the same.

Signed and declared before me at _____ the custom house at the port of
the _____ day of _____ 186

ANTIGUA.

REGULATION for the carrying Coastwise of Goods, Wares, and Merchandise to any Place or Places in this Island.

That no goods, wares, and merchandise shall be transhipped from on board any vessel to any drogher or boat for the purpose of being carried coastwise without the master or person in charge of said drogher or boat having first presented his drogher or boat book to the Treasurer or other officer of the Treasury department acting under his authority, containing the name or names of the consignee or consignees, marks, numbers, and qualities of said goods, wares, and merchandise to be so taken coastwise, which said drogher or boat book shall be signed by the Treasurer or other officer acting under his authority as aforesaid, and shall be presented to the master of the vessel so transshipping the said goods, wares, and merchandise; and if any goods, wares, and merchandise shall be transhipped from any vessel to any drogher or boat as aforesaid contrary to this regulation, such goods, wares, and merchandise shall be forfeited, in conformity with the 19th section of Act No. 191, entitled "An Act to provide for the Collection of Duties on Goods, Wares, and Merchandise imported into this Colony."

That in all cases of a violation of this regulation the person or persons so offending shall be liable to a penalty not exceeding the sum of one hundred pounds sterling money of this Island, in accordance with the 33rd section of the above-mentioned Act.

Approved by the Executive Council,

G. C. DAVIS,
Secretary.

2nd March 1864.

No. 192.

AN ACT to consolidate and amend the Statute Law of Antigua relating to Larceny and other similar Offences.

[Dated 12th September 1863; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS it is expedient to consolidate and amend the statute law of Antigua relating to larceny and other similar offences: Be it enacted by the Governor, the Council, and Assembly of Antigua as follows:

Interpretation of terms.

Document of title to goods.

Document of title to lands.

Trustee.

Valuable security.

Property.

Night.

1. In the interpretation of this Act the term "document of title to goods" shall include any bill of lading, India warrant, dock warrant, warehouse keeper's certificate, warrant, or order for the delivery or transfer of any goods or valuable thing bought and sold, note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to.

The term "document of title to lands" shall include any deed, map, paper, or parchment written or printed, or partly written and partly printed, being or containing evidence of the title or any part of the title to any real estate, or to any interest in or out of any real estate.

The term "trustee" shall mean a trustee on some express trust created by some deed, will, or instrument in writing, and shall include the heir or personal representative of any such trustee and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator, or other like officer acting under any present or future Act relating to joint stock companies, bankruptcy, or insolvency.

The term "valuable security" shall include any order, exchequer acquittance, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom of Great Britain, or of Ireland, or of Antigua, or of any foreign state, or in any fund of any body corporate, company, or society, whether within the United Kingdom or this Colony, or in any foreign state or country, or to any deposit in any bank, and shall also include any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of the United Kingdom, or of Great Britain, or of Ireland, or of Antigua, or of any foreign state, and any document of title to lands or goods as hereinbefore defined.

The term "property" shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and shall also include not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

For the purposes of this Act the night shall be deemed to commence at eight of the clock in the evening of each day, and to conclude at five of the clock in the morning of the next succeeding day.

2. Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature and shall be subject to the same incidents in all respects as grand larceny was before the eighth day of January 1839.

3. Whosoever being a bailee of any chattel, money, or valuable security shall fraudulently take or convert the same to his own use or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction.

4. Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases herein-after otherwise provided for) be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

5. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them.

6. If upon the trial of any indictment for larceny it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

7. Whosoever shall commit the offence of simple larceny after a previous conviction for felony, whether such conviction shall have taken place upon an indictment or under the provisions of the Act passed in the eleventh year of Her Majesty's reign, entitled "An Act for the summary Punishment of Petty Thefts and Frauds," shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

8. Whosoever shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanor punishable under this Act, shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

9. Whosoever shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been twice summarily convicted of any of the offences punishable upon summary conviction under the provisions contained in the Act passed by the Legislature of Antigua in the year one thousand eight hundred and thirty-four, intituled "An Act for consolidating and amending the Laws relative to malicious Injuries to Property," or the Act passed in the year one thousand eight hundred and thirty-nine, intituled "An Act for the Prevention and Punishment of Larceny and other Offences connected therewith," or in this Act or the Act passed or intended to be passed contemporaneously herewith, intituled "An Act to consolidate

All larcenies to be of the same nature.

Bailees fraudulently converting property guilty of larceny.

Punishment for simple larceny.

Three larcenies within six months may be charged in one indictment.

Where a single taking is charged and several takings at different times are proved.

Larceny after a conviction for felony.

Since repealed.

Larceny after conviction of an indictable misdemeanor under this Act.

Larceny after two summary convictions.

Two recited Acts since repealed.

No. 193.

"and amend the Statute Law of Antigua relating to malicious Injuries to Property," (whether each of the convictions shall have been in respect of an offence of the same description or not, and whether such convictions or either of them shall have been or shall be before or after the passing of this Act,) shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

AS TO LARCENY OF CATTLE OR OTHER ANIMALS.

Stealing horses, cows, sheep, &c.

10. Whosoever shall steal any horse, mare, gelding, colt, or filly, or any mule or ass, or any bull, cow, ox, steer, heifer, or calf, or any ram, ewe, sheep, or lamb, or any deer, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Killing animals with intent to steal the carcass, &c.

11. Whosoever shall wilfully kill any animal with intent to steal the carcass, skin, or any part of the animal so killed shall be guilty of felony, and being convicted thereof shall be liable to the same punishment as if he had been convicted of feloniously stealing the same; provided the offence of stealing the animal so killed would have amounted to felony.

Killing deer.

12. Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound any deer, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Suspected persons found in possession of venison, &c., and not satisfactorily accounting for it.

13. If any deer or the head, skin, or other part thereof, or any snare or engine for the taking of deer shall be found in the possession of any person or on the premises of any person with his knowledge, and such person being taken or summoned before a police magistrate shall not satisfy the magistrate that he came lawfully by such deer, or the head, skin, or other part thereof, or had a lawful occasion for such snare or engine, and did not keep the same for any unlawful purpose, he shall on conviction by the magistrate forfeit and pay any sum not exceeding five pounds; and if any such person shall not under the said provisions be liable to conviction, then for the discovery of the party who actually killed or stole such deer, the police magistrate at his discretion, as the evidence given and the circumstances of the case shall require, may summon before him every person through whose hands such deer, or the head, skin, or other part thereof shall appear to have passed; and if the person from whom the same shall have been first received or who shall have had possession thereof shall not satisfy the magistrate that he came lawfully by the same, he shall on conviction by the magistrate be liable to the payment of such sum of money as is herein-before last mentioned.

Penalty.

In case they cannot be convicted how the magistrate may proceed.

14. Whosoever shall unlawfully and wilfully set or use any snare or engine whatsoever for the purpose of taking or killing deer, shall on conviction thereof before a police magistrate forfeit and pay such sum of money not exceeding five pounds as to the magistrate shall seem meet.

Setting engines for taking deer.

Stealing do

15. Whosoever shall steal any dog shall on conviction thereof before a police magistrate either be committed to the common gaol, there to be imprisoned or to be imprisoned and kept to hard labour for any term not exceeding six months, or shall forfeit and pay over and above the value of the said dog

such sum of money not exceeding five pounds as to the said magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards steal any dog shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding eighteen months, with or without hard labour. Second offence.

16. Whosoever shall unlawfully have in his possession or on his premises any stolen dog, or the skin of any stolen dog, knowing such dog to have been stolen, or such skin to be the skin of a stolen dog, shall on conviction thereof before a police magistrate be liable to pay such sum of money not exceeding five pounds as to such magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards be guilty of any such offence as in this section before mentioned shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding eighteen months, with or without hard labour. Possession of stolen dogs.
Second offence.

17. Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any dog which shall have been stolen or which shall be in the possession of any person not being the owner thereof shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding eighteen months, with or without hard labour. Taking money to restore dogs.

18. Whosoever shall steal any bird, beast, or other animal ordinarily kept in a state of confinement or for any domestic purpose, not being the subject of larceny at common law, or shall wilfully kill any such bird, beast, or animal with intent to steal the same or any part thereof, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the value of the bird, beast, or other animal such sum of money not exceeding five pounds as to the magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any offence in this section before mentioned and shall be convicted thereof in like manner shall be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting magistrate shall think fit. Stealing beasts or birds ordinarily kept in confinement and not the subjects of larceny.
Second offence.

19. If any such bird or any of the plumage thereof, or any dog, or any such beast or the skin thereof, or any such animal or any part thereof shall be found in the possession or on the premises of any person any police magistrate may restore the same respectively to the owner thereof; and any person in whose possession or on whose premises such bird or the plumage thereof, or such beast or the skin thereof, or such animal or any part thereof shall be so found, (such person knowing that the bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is a part of a stolen animal,) shall on conviction before a police magistrate be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment as any person convicted of stealing any beast or bird is made liable to by the last preceding section. Persons found in possession of stolen beasts, &c.
liable to penalties.

20. Whosoever shall unlawfully and wilfully kill, wound, or take any house-dove or pigeon under such circumstances as shall not amount to larceny at common law, shall on conviction before a police magistrate forfeit and pay over and above the value of the bird any sum not exceeding two pounds. Killing pigeons.

Taking fish in any water.

21. Whosoever shall steal or shall unlawfully and wilfully take any fish, turtle, lobster, or shell fish from any fish-pot, net, line, or other engine or instrument used in catching fish, turtle, lobster, or shell-fish, or shall wantonly or unlawfully and wilfully destroy, break, or injure any such fish-pot, net, line, engine, or instrument, or shall steal or shall unlawfully and wilfully take or destroy any fish or turtle in any water or pond being private property, or in any crawl, or shall unlawfully and wilfully break, injure, or destroy any turtle-crawl, shall on conviction before a police magistrate forfeit and pay any sum not exceeding five pounds, over and above the value of the fish, turtle, lobster, or shell-fish stolen, taken, or destroyed, or of the fish-pot, net, line, engine, instrument, or turtle-crawl destroyed, broken, or injured, or in the discretion of the magistrate shall be imprisoned in the common gaol, with or without hard labour, for any term not exceeding three months.

AS TO LARCENY OF WRITTEN INSTRUMENTS.

Bonds, bills, notes, &c.

22. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, or obliterate the whole or any part of any valuable security other than a document of title to lands shall be guilty of felony of the same nature and in the same degree and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

Deeds relating to real property.

23. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any document of title to lands shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence relating to any document of title to lands it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.

Form of indictment.

Wills or codicils.

24. Whosoever shall, either during the life of the testator or after his death steal, or for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate or to both, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that such will, codicil, or other instrument is the property of any person; provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed, but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him, and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or

if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

25. Whosoever shall steal or shall for any fraudulent purpose take from its place of deposit for the time being or from any person having the lawful custody thereof, or shall unlawfully and maliciously cancel, obliterate, injure, or destroy the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever of or belonging to any court of record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever of or belonging to any court of equity, or the Vice-Admiralty Court, or Court of Ordinary, or relating to any cause or matter begun, depending, or terminated in any such court, or of any original or other document, or of any book containing any entry in anywise relating to the business of any office or employment under Her Majesty or the Governor, and being or remaining in any office appertaining to any court of justice, or in the office of the Governor, or in any government or public office, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any time not exceeding two years, with or without hard labour, and with or without solitary confinement, and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

Stealing records or other legal documents.

26. Whosoever shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, alter, erase, injure, or destroy any deed or writing brought to the office of the Registrar of Deeds or of the Colonial Secretary to be therein recorded, or any record in either of such offices of any such deed or writing, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

Fraudulent removal, &c. of deed or record in office of Registrar or Secretary.

27. Whosoever shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, alter, erase, injure, or destroy any book now or hereafter directed by law to be kept by the public Treasurer or by the provost marshal, or any entry therein, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person; provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impede any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed, but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him.

Fraudulent removal of books directed to be kept by Treasurer and provost marshal.
No. 150, s. 24.

Form of indictment.

AS TO LARCENY OF THINGS ATTACHED TO OR GROWING ON LANDS.

Metal, glass, wood,
&c. fixed to house or
land.

28. Whosoever shall steal, or shall rip, cut, sever, or break with intent to steal any glass or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material or of both respectively, fixed in or to any building whatsoever, or anything made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and in the case of any such thing fixed in any such square, street, or place as aforesaid it shall not be necessary to allege the same to be the property of any person.

Trees in pleasure
grounds of the value
of 1*l.*, or elsewhere of
the value of 5*l.*

29. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal the whole or any part of any tree, sapling, or shrub, or any underwood respectively growing in any pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, shall (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of one pound) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal the whole or any part of any tree, sapling, or shrub, or any underwood respectively growing elsewhere than in any of the situations in this section before mentioned, shall (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of five pounds) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny.

Stealing trees, shrubs,
&c. whosoever
growing, and of any
value above 1*s.*,
punishable on sum-
mary conviction for
first and second
offence. Third
offence, felony.
Second offence.

30. Whosoever shall steal or shall cut, break, root up, or otherwise destroy or damage with intent to steal the whole or any part of any tree, sapling, or shrub, or any underwood, whosoever the same may be respectively growing, the stealing of such article or articles or the injury done being to the amount of a shilling at the least, shall on conviction thereof before a police magistrate forfeit and pay, over and above the value of the article or articles stolen or the amount of the injury done, such sum of money not exceeding five pounds as to the magistrate shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting magistrate shall think fit; and whosoever having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) shall afterwards commit any of the offences in this section before mentioned shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

Third offence.

Stealing, &c. any live
or dead fence, wooden
fence, stile, or gate.

31. Whosoever shall steal or shall cut, break, or throw down with intent to steal any part of any live or dead fence, or any wooden post, pale, wire, or rail set up or used as a fence, or any stile or gate or any part thereof respectively, shall on conviction thereof before a police magistrate forfeit and pay, over and above the value of the article or articles so stolen or the amount of the injury done, such sum of money not exceeding five pounds as to the magistrate shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this

Second offence.

section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting magistrate shall think fit.

32. If the whole or any part of any tree, sapling, or shrub, or any under-wood, or any part of any live or dead fence, or any post, pale, wire, rail, stile, or gate, or any part thereof, being of the value of one shilling at the least, shall be found in the possession of any person, or on the premises of any person with his knowledge, and such person being taken or summoned before a police magistrate shall not satisfy the magistrate that he came lawfully by the same, he shall on conviction by the magistrate forfeit and pay over and above the value of the article or articles so found any sum not exceeding two pounds.

Suspected persons in possession of wood, &c. not satisfactorily accounting for it.

33. Whosoever shall steal or shall destroy or damage with intent to steal any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, or conservatory, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the article or articles so stolen or the amount of the injury done, such sum of money not exceeding ten pounds as to the magistrate shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing any fruit or vegetable production in a garden, &c.,

punishable on summary conviction for first offence.

Second offence felony.

34. Whosoever shall steal or shall destroy or damage with intent to steal any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, pleasure ground, or nursery ground shall, on conviction thereof before a police magistrate, at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay over and above the value of the article or articles so stolen or the amount of the injury done such sum of money not exceeding twenty shillings as to the magistrate shall seem meet, and in default of payment thereof, together with the costs (if ordered) shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol, there to be kept to hard labour for such term not exceeding six months as the convicting magistrate shall think fit.

Stealing, &c. vegetable production not growing in a garden, &c.

Second offence.

AS TO LARCENY FROM THE PERSON AND OTHER LIKE OFFENCES.

35. Whosoever shall rob any person or shall steal any chattel, money, or valuable security from the person of another shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Robbery or stealing from the person.

36. If upon the trial of any person upon any indictment for robbery it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an

On trial for robbery jury may convict of an assault with intent to rob.

assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

Assault with intent to rob.

37. Whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Robbery or assault by a person armed, or by two or more, or robbery and wounding.

38. Whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall, together with one or more other person or persons, rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or immediately after such robbery shall wound, beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Letter demanding money, &c. with menaces.

39. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Demanding money, &c. with menaces or by force with intent to steal.

40. Whosoever shall with menaces or by force demand any property, chattel, money, valuable security, or other valuable thing of any person with intent to steal the same shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Letter threatening to accuse of crime with intent to extort.

41. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing accusing or threatening to accuse any other person of any crime punishable by law with death or imprisonment for not less than three years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as herein-after defined, with a view or intent in any of such cases to extort or gain by means of such letter or writing any property, chattel, money, valuable security, or other valuable thing from any person shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping; and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasive promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

Infamous crime defined.

Accusing or threatening to accuse with intent to extort.

42. Whosoever shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made or any other person of any of the infamous or other crimes lastly herein-before mentioned, with the view or intent

in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and if a male under the age of sixteen years with or without whipping.

43. Whosoever, with intent to defraud or injure any other person, shall by any unlawful violence to or restraint of or threat of violence to or restraint of the person of another, or by accusing or threatening to accuse any person of any treason, felony, or infamous crime, as herein-before defined, compel or induce any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name or the name of any other person, or of any company, firm, or copartnership, or the seal of any body corporate, company, or society upon or to any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

44. It shall be immaterial whether the menaces or threats herein-before mentioned be of violence, injury, or accusation to be caused or made by the offender or by any other person.

AS TO SACRILEGE, BURGLARY, AND HOUSEBREAKING.

45. Whosoever shall break and enter any church, chapel, meeting-house, or other place of divine worship, and commit any felony therein, or being in any church, chapel, meeting-house, or other place of divine worship shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

46. Whosoever shall enter the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house shall commit any felony therein, and shall in either case break out of the said dwelling-house in the night, shall be deemed guilty of burglary.

47. Whosoever shall be convicted of the crime of burglary shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

48. No building, although within the same curtilage with any dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other.

49. Whosoever shall enter any dwelling-house in the night with intent to commit any felony therein shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement.

50. Whosoever shall break and enter any building and commit any felony therein, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision herein-before mentioned, or being in any such building shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof

Inducing a person by violence or threat to execute deeds, &c. with intent to defraud.

It shall be immaterial from whom the menaces proceed.

Breaking and entering a church or chapel and committing any felony.

Burglary by breaking out.

Burglary.

What building within the curtilage shall be deemed part of the dwelling-house.

Entering a dwelling-house in the night with intent to commit any felony.

Breaking into any building within the curtilage which is no part of the dwelling-house and committing any felony.

shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Breaking into any house, shop, warehouse, &c. and committing any felony.

51. Whosoever shall break and enter any dwelling-house, school-house, shop, warehouse, counting-house, boiling-house, still-house, or curing-house, and commit any felony therein, or being in any dwelling-house, school-house, shop, warehouse, counting-house, boiling-house, still-house, or curing-house, shall commit any felony therein and break out of the same, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Housebreaking, &c. with intent to commit any felony.

52. Whosoever shall break and enter any dwelling-house, church, chapel, meeting-house, or other place of divine worship, or any building within the curtilage, school-house, shop, warehouse, counting-house, boiling-house, still-house, or curing-house, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement.

Being armed with intent to break and enter any house in the night.

53. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock key, crow, jack, bit, or other implement of housebreaking, or shall be found by night having his face blackened or otherwise disguised with intent to commit any felony, or shall be found by night in any dwelling-house or other building whatsoever with intent to commit any felony therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

The like after a previous conviction for felony, &c.

54. Whosoever shall be convicted of any such misdemeanor as in the last preceding section mentioned, committed after a previous conviction either for felony or such misdemeanor, shall on such subsequent conviction be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour.

AS TO LARCENY IN THE HOUSE.

Stealing in a dwelling to the value of 5*l*.

55. Whosoever shall steal in any dwelling-house any chattel, money, or valuable security to the value in the whole of five pounds or more shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Stealing in a dwelling-house with menaces.

56. Whosoever shall steal any chattel, money, or valuable security in any dwelling-house, and shall by any menace or threat put anyone being therein in bodily fear, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

AS TO LARCENY IN SHIPS, WHARFS, &c.

Stealing from ships, docks, wharfs, &c.

57. Whosoever shall steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever in any haven, or in any port of entry or discharge, or in any creek or basin belonging to or communicating with any such haven or port, or shall steal any goods or merchandise from any dock, wharf, or

quay adjacent to any such haven, port, creek, or basin, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

58. Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Stealing from ship in distress or wrecked.

59. If any goods, merchandise, or articles of any kind belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, shall be found in the possession of any person, or on the premises of any person with his knowledge, and such person being taken or summoned before a police magistrate shall not satisfy the magistrate that he came lawfully by the same, then the same shall by order of the magistrate be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall on conviction of such offence before the magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the value of the goods, merchandise, or articles such sum of money not exceeding twenty pounds as to the magistrate shall seem meet.

Persons in possession of shipwrecked goods not giving a satisfactory account.

60. If any person shall offer or expose for sale any goods, merchandise, or articles whatsoever which shall have been unlawfully taken or shall be reasonably suspected so to have been taken from any ship or vessel in distress, or wrecked, stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any officer of the customs or excise or peace officer may lawfully seize the same, and shall with all convenient speed carry the same or give notice of such seizure to some police magistrate; and if the person who shall have offered or exposed the same for sale being summoned by such magistrate shall not appear and satisfy the magistrate that he came lawfully by such goods, merchandise, or articles, then the same shall by order of the magistrate be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the magistrate) to the person who seized the same, and the offender shall on conviction of such offence by the magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the value of the goods, merchandise, or articles such sum of money not exceeding twenty pounds as to the magistrate shall seem meet.

If any person offers shipwrecked goods for sale the goods may be seized, &c.

AS TO LARCENY OR EMBEZZLEMENT BY CLERKS, SERVANTS, OR PERSONS IN THE PUBLIC SERVICE.

61. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master or employer, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Larceny by clerks or servants.

Embezzlement by
clerks or servants.

62. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so-employed, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Larceny by persons
in the Queen's ser-
vice or by the police.

63. Whosoever being employed in the public service of Her Majesty or in the police, or being a constable shall steal any chattel, money, or valuable security belonging to or in the possession or power of Her Majesty, or intrusted to or received or taken into possession by him by virtue of his employment, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Embezzlement by
persons in the Queen's
service or by the
police.

64. Whosoever being employed in the public service of Her Majesty or in the police, or being a constable and intrusted by virtue of such employment with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be intrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit or for any purpose whatsoever except for the public service, shall be deemed to have feloniously stolen the same from Her Majesty, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour; and in every case of larceny, embezzlement, or fraudulent application or disposition of any chattel, money, or valuable security in this and the last preceding section mentioned, it shall be lawful in the warrant of commitment by the police magistrate before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security in Her Majesty.

Form of warrant of
commitment and
indictment.

Distinct acts of em-
bezzlement may be
charged in the same
indictment.

65. For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application or disposition herein-before mentioned, it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three, which may have been committed by him against Her Majesty or against the same master or employer within the space of six months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security, and such allegation so far as regards the description of the property shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him

in order that some part of the value thereof should be returned to the party delivering the same or to some other person, and such part shall have been returned accordingly.

66. If upon the trial of any person indicted for embezzlement or fraudulent application or disposition, as aforesaid, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service, or in the police, or as a constable, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement or fraudulent application or disposition, as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement or fraudulent application or disposition, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application or disposition, and no person so tried for embezzlement, fraudulent application or disposition, or larceny, as aforesaid, shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts.

Person indicted for embezzlement as a clerk, &c. not to be acquitted if the offence turn out to be larceny, and vice versa.

AS TO LARCENY BY TENANTS OR LODGERS.

67. Whosoever shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her or by her husband, or by any person on behalf of him or her or her husband, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and if a male under the age of sixteen years with or without whipping; and in case the value of such chattel or fixture shall exceed the sum of five pounds, shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping; and in every case of stealing any chattel in this section mentioned it shall be lawful to prefer an indictment in the common form as for larceny; and in every case of stealing any fixture in this section mentioned to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

Tenant or lodgers stealing chattel or fixture let to hire with house or lodgings.

AS TO FRAUDS BY AGENTS, BANKERS, OR FACTORS.

68. Whosoever having been intrusted either solely or jointly with any other person as a banker, merchant, broker, attorney, or other agent with any money or security for the payment of money, with any direction in writing to apply, pay, or deliver such money or security, or any part thereof respectively, or the proceeds or any part of the proceeds of such security for any purpose, or to any person specified in such direction, shall in violation of good faith, and

Agent, banker, &c. embezzling money or selling securities, &c. intrusted to him

or goods, &c. intrusted to him for safe custody.

contrary to the terms of such direction, in anywise convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such money, security, or proceeds, or any part thereof respectively; and whosoever having been intrusted either solely or jointly with any other person as a banker, merchant, broker, attorney, or other agent with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom or any part thereof, or of this Colony, or of any foreign state, or in any stock or fund of any body corporate, company, or society, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, shall in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such chattel or security, or the proceeds of the same or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

Punishment.

Not to affect trustees or mortgagees,

nor banker, &c. receiving money due on securities,

or disposing of securities on which they have lien.

Bankers, &c. fraudulently selling, &c. property intrusted to their care.

69. Whosoever being a banker, merchant, broker, attorney, or agent, and being intrusted either solely or jointly with any other person with the property of any other person for safe custody shall with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned.

Persons under powers of attorney fraudulently selling property.

70. Whosoever being intrusted either solely or jointly with any other person with any power of attorney for the sale or transfer of any property shall fraudulently sell or transfer, or otherwise convert the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned.

Factors obtaining advances on the property of their principals.

71. Whosoever being a factor or agent intrusted either solely or jointly with any other person for the purpose of sale or otherwise with the possession of any goods, or of any document of title to goods, shall contrary to or without

the authority of his principal in that behalf for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith make any consignment, deposit, transfer, or delivery of any goods or document of title so intrusted to him, as in this section before mentioned, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received, or shall contrary to or without such authority for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accept any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or document of title shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the same punishments: Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent.

72. Any factor or agent intrusted as aforesaid and possessed of any such document of title, whether derived immediately from the owner of such goods or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title, and every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same shall be in his actual custody or shall be held by any other person subject to his control, or for him or on his behalf; and where any loan or advance shall be *bona fide* made to any factor or agent intrusted with and in possession of any such goods or document of title on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods or document of title, and such goods or document of title shall actually be received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title within the meaning of the last preceding section, though such goods or document of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct with such factor or agent or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; and any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a factor or agent in possession as aforesaid of such goods or document shall be taken for the purposes of the last preceding section to have

Clerks wilfully assisting.

Cases excepted where the pledge does not exceed the amount of their lien.

Definitions of "Intrusted."

"Pledge."

"Advance."

"Contract or agreement."

"Advance."

Possession to be evidence of intrusting

been intrusted therewith by the owner thereof, unless the contrary be shown in evidence.

Trustees fraudulently disposing of property guilty of a misdemeanor.

73. Whosoever being a trustee of any property for the use or benefit either wholly or partially of some other person, or for any public or charitable purpose, shall with intent to defraud convert or appropriate the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned: Provided that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of Her Majesty's Attorney General, or in case that office be vacant of Her Majesty's Solicitor General: Provided also, that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this section without the sanction of the court or judge before whom such civil proceeding shall have been had or shall be pending.

No prosecution shall be commenced without the sanction of some judge or the Attorney General.

Directors of any body, corporate or public company fraudulently appropriating property,

74. Whosoever being a director, member, or public officer of any body corporate or public company shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned.

or keeping fraudulent accounts,

75. Whosoever being a director, public officer, or manager of any body corporate or public company shall as such receive or possess himself of any of the property of such body corporate or public company, otherwise than in payment of a just debt or demand, and shall with intent to defraud omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned.

or wilfully destroying books, &c.,

76. Whosoever being a director, manager, public officer, or member of any body corporate or public company shall with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular in any book of account or other document, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to any of the punishments which the court may award as herein-before last mentioned.

or publishing fraudulent statements.

77. Whosoever being a director, manager, or public officer of any body corporate or public company shall make, circulate, or publish, or concur in making, circulating, or publishing any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the

court to any of the punishments which the court may award as herein-before last mentioned.

78. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency, and no person shall be liable to be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been *bond fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

79. Nothing in any of the last eleven preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him, and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee having for its object the restoration or repayment of any trust property misappropriated.

AS TO OBTAINING MONEY, &c. BY FALSE PRETENCES.

80. Whosoever shall by any false pretence obtain from any other person any chattel, money, or valuable security with intent to defraud shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: Provided that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted of such misdemeanor, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts: Provided also, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money, or valuable security, and on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

81. Whosoever shall by any false pretence cause or procure any money to be paid or any chattel or valuable security to be delivered to any other person for the use or benefit or on account of the person making such false pretence, or any other person, with intent to defraud, shall be deemed to have obtained such money, chattel, or valuable security within the meaning of the last preceding section.

82. Whosoever with intent to defraud or injure any other person shall by any false pretence fraudulently cause or induce any other person to execute

No person to be exempt from answering questions in any court, but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

No remedy at law or in equity shall be affected.

Convictions shall not be received in evidence in civil suits.

False pretences.

No acquittal because offence amounts to larceny.

Form of indictment and evidence.

Where any money or thing is caused to be paid or delivered to any person other than the person making a false pretence.

Inducing persons by fraud to execute deeds and other instruments.

make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name or the name of any other person, or of any company, firm, or copartnership, or the seal of any body corporate, company, or society upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

AS TO RECEIVING STOLEN GOODS.

Receiving where the principal is guilty of felony.

83. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver howsoever convicted shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping: Provided that no person howsoever tried for receiving as aforesaid shall be liable to be prosecuted a second time for the same offence.

Indictment for stealing and receiving.

84. In any indictment containing a charge of feloniously stealing any property it shall be lawful to add a count or several counts for feloniously receiving the same or any part or parts thereof knowing the same to have been stolen, and in any indictment for feloniously receiving any property knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same, and when any such indictment shall have been preferred and found against any person the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property or of receiving the same or any part or parts thereof knowing the same to have been stolen; and if such indictment shall have been preferred and found against two or more persons it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty, either of stealing the property or of receiving the same or any part or parts thereof knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property and the other or others of them guilty of receiving the same or any part or parts thereof knowing the same to have been stolen.

Separate receivers may be indicted in the same indictment in the absence of the principal.

85. Whenever any property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers at different times of such property or of any part or parts thereof may be charged with substantive felonies in the same indictment and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

On an indictment for jointly receiving persons may be convicted of separately receiving.

86. If upon the trial of any two or more persons indicted for jointly receiving any property it shall be proved that one or more of such persons separately received any part or parts of such property it shall be lawful for the jury to

convict upon such indictment such of the said persons as shall be proved to have received any part or parts of such property.

87. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, converting, or disposing whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof or shall or shall not be amenable to justice; and every such receiver being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Receiving where the principal has been guilty of misdemeanor.

88. Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence or for the first and second offence only or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall on conviction thereof before a police magistrate be liable for every first, second, or subsequent offence of receiving to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

Receivers of property where the original offence is punishable on summary conviction.

89. In case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

Principals in the second degree and accessories.

Abettors in misdemeanors.

90. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission or for the first and second time only or for the first time only, shall on conviction before a police magistrate be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

Abettors in offences punishable on summary conviction.

AS TO RESTITUTION AND RECOVERY OF STOLEN PROPERTY.

91. If any person guilty of any such felony or misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for such offence, by or on the behalf of the owner of the property or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative, and in every case in this section aforesaid the court before whom any person shall be tried for any such felony or misdemeanor shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: Provided that if it shall appear before any award or order made that any valuable security shall have been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have been *bonâ fide* taken

The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of his property.

Provision as to valuable and negotiable securities.

or received by transfer or delivery by some person or body corporate for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such case the court shall not award or order the restitution of such security: Provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent intrusted with the possession of goods or documents of title to goods for any misdemeanor against this Act.

Not to apply to prosecutions of trustees, bankers, &c.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

92. Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever which shall by any felony or misdemeanor have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Advertising a reward for the return of stolen property, &c.

93. Whosoever shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost the money so paid or advanced, or any other sum of money or reward for the return of such property, or shall print or publish any such advertisement, shall forfeit the sum of fifty pounds for every such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

AS TO APPREHENSION OF OFFENDERS AND OTHER PROCEEDINGS.

A person in the act of committing any offence may be apprehended without a warrant.

Police magistrate upon good grounds of suspicion proved on oath may grant a search warrant.

Any person to whom stolen property is offered may seize the party offering it.

94. Any person found committing any offence punishable either upon indictment or upon summary conviction by virtue of this Act may be immediately apprehended without a warrant by any person, and forthwith taken, together with such property, if any, before a police magistrate, to be dealt with according to law and if any credible witness shall prove upon oath before a police magistrate a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any offence punishable either upon indictment or upon summary conviction by virtue of this Act shall have been committed, the magistrate may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized and if in his power is required to apprehend and forthwith to take before a police magistrate the party offering the same, together with such property, to be dealt with according to law.

A person loitering at night and suspected of any felony against

95. Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other

place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a police magistrate, to be dealt with according to law.

96. Where any person shall be charged on the oath of a credible witness before a police magistrate with any offence punishable on summary conviction under this Act, the magistrate may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person by delivering the same to him personally or by leaving the same at his usual place of abode) the magistrate may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person and bringing him before himself or some other police magistrate, or the magistrate before whom the charge shall be made may (if he shall so think fit), without any previous summons (unless where otherwise specially directed), issue such warrant, and the magistrate before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

Mode of compelling the appearance of persons punishable on summary conviction.

97. Every sum of money which shall be forfeited on any summary conviction for the value of any property stolen or taken, or for the amount of any injury done (such value or amount to be assessed in each case by the convicting magistrate), shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any police magistrate, whether in addition to such value or amount or otherwise, shall be payable to Her Majesty, Her heirs and successors, and shall be paid over to the public Treasurer for the public uses of the Colony: Provided that where several persons shall join in the commission of the same offence, and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than such value or amount, and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a police magistrate is herein-before directed to be applied.

Application of forfeitures and penalties on summary convictions.

Proviso where several persons join in conviction of same offence.

98. In every case of a summary conviction under this Act where the sum which shall be forfeited for the value of the property stolen or taken or for the amount of the injury done, or which shall be imposed as a penalty by the magistrate, shall not be paid, either immediately after the conviction or within such period as the magistrate shall at the time of the conviction appoint, the convicting magistrate (unless where otherwise specially directed) may commit the offender to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the magistrate, for any term not exceeding two months, where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds, and for any term not exceeding four months where the amount with costs shall not exceed ten pounds, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

If a person summarily convicted shall not pay, &c. the magistrate may commit him.

Scale of imprisonment.

99. Where any person shall be summarily convicted before a police magistrate of any offence against this Act, and it shall be a first conviction, the magistrate may, if he shall so think fit, discharge the offender from his conviction upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the magistrate.

Magistrate may discharge the offender in certain cases.

100. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid,

A summary conviction shall be a bar to

any other proceeding for the same cause.

together with costs, under such conviction, or shall have received a remission thereof from the Crown or from the Governor, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction by any magistrate as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

No certiorari, &c.

101. No conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

Evidence of conviction.

102. Upon any information against any person for a subsequent offence, a copy of the previous conviction, certified by the police magistrate of the district in which such conviction shall have taken place, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

Proceedings against persons acting under this Act.

Notice of action.

General issue, &c.

103. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

AS TO OTHER MATTERS.

Form of indictment for a subsequent offence.

104. In any indictment for any offence punishable under this Act and committed after a previous conviction or convictions for any felony, misdemeanor, or offence, or offences punishable upon summary conviction, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place, or at certain times and places, convicted of felony or of an indictable misdemeanor, or of an offence or offences punishable upon summary conviction (as the case may be), without otherwise describing the previous felony, misdemeanor, offence, or offences; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor, or a copy of any such summary conviction, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where the offender was first convicted, or by the police magistrate of the district where any such summary conviction shall have taken place, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or

When the previous conviction is to be proved on the trial.

convictions shall be as follows; (that is to say,) the offender shall in the first instance be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged in the first instance to inquire concerning such subsequent offence only, and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answer that he had been so previously convicted the court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: Provided that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character, it shall be lawful for the prosecutor in answer thereto to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

105. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act the court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act the court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace in addition to any punishment by this Act authorized: Provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Fine and sureties for keeping the peace, in what cases.

106. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol; and all male offenders sentenced or made liable to imprisonment with hard labour under this Act may be worked and employed under the provisions contained in section forty-nine of the Act dated the eighth day of September 1857, entitled "An Act for improving the Administration of Criminal Justice."

Hard labour.

No. 135, s. 49.

107. Whenever solitary confinement may be awarded for any indictable offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this Act, the court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

Solitary confinement and whipping.

108. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act, dated the 29th day of August 1861, entitled "An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders," and all provisions contained in the said Act, including the right of appeal when and on the terms thereby allowed, shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Summary proceedings may be under Act dated 29th August 1861.

No. 169, s. 28.

Petty thefts, &c. of property under value of 10s. to be adjudicated upon before police magistrate.

109. Whosoever shall steal or shall by any false pretence obtain from any other person, with intent to cheat or defraud any person of the same, any chattel, valuable security or property the amount or value whereof to be ascertained as herein-after mentioned shall not exceed the sum of ten shillings, shall on conviction thereof before any police magistrate (when no special provision to the contrary is herein-before made) be imprisoned in the common gaol, with or without hard labour, for any period not exceeding sixty days; and the magistrate before entering into the complaint shall inquire into and fix the value of the chattel, valuable security or property, alleged to be stolen or fraudulently obtained, and such valuation shall be conclusive unless the owner or some person on his behalf shall object to such valuation and shall make oath that the value of such chattel, valuable security or property, exceeds the sum of ten shillings; and if the magistrate shall ascertain by any such means that such chattel, valuable security, or property exceeds ten shillings in value he shall not adjudicate thereon under this section; and any person who shall aid, abet, counsel, or procure the commission of any such offence, or who shall receive any such money or other property knowing the same to have been stolen or fraudulently obtained, shall on conviction before a police magistrate be liable to the punishment herein-before in this section mentioned: Provided that the police magistrate before whom any offence under this section may come for adjudication may in his discretion abstain from adjudicating thereon and direct the offender to be indicted.

Commencement of Act.
Second section of Act No. 62 amended.
Title.

110. This Act shall commence and take effect on the first day of October one thousand eight hundred and sixty-three.

111. Amendment of section 2 of No. 62 as therein inserted.

112. This Act may be cited as the Larceny Act.

No. 193.

AN ACT to consolidate and amend the Statute Law of Antigua relating to Malicious Injuries to Property.

[Dated 12th September 1863; Left to its operation by Order in Council dated 3rd February 1864.]

WHEREAS it is expedient to consolidate and amend the statute law of Antigua relating to malicious injuries to property: Be it enacted by the Governor, the Council, and Assembly of Antigua as follows:

INJURIES BY FIRE TO BUILDINGS AND GOODS THEREIN.

Setting fire to a church or chapel.

1. Whosoever shall unlawfully and maliciously set fire to any church, chapel, meeting-house, or other place of divine worship shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Setting fire to a dwelling-house, any person being therein.

2. Whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

3. Whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, mill-house, boiling-house, curing-house, still-house, barn, storehouse, granary, hovel, shed or fold, or to any trash-house or megass-house, or to any farm building, or to any building or erection used in farming land or in carrying on any trade or manufacture or any branch thereof, whether the same shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. Setting fire to a house, outhouse, manufactory, farm building, &c.

4. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this Act before mentioned shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and if a male under the age of sixteen years with or without whipping. Setting fire to other buildings.

5. Whosoever shall unlawfully and maliciously set fire to any matter or thing being in, against, or under any building under such circumstances that if the building were thereby set fire to the offence would amount to felony shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and if a male under the age of sixteen years with or without whipping. Setting fire to goods in any building the setting fire to which is felony.

6. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any building or any matter or thing in the last preceding section mentioned under such circumstances that if the same were thereby set fire to the offender would be guilty of felony shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. Attempting to set fire to buildings.

INJURIES BY EXPLOSIVE SUBSTANCES TO BUILDINGS AND GOODS THEREIN.

7. Whosoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance destroy, throw down, or damage the whole or any part of any dwelling-house, any person being therein, or of any building whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. Destroying or damaging a house with gunpowder, any person being therein.

8. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any building any gunpowder or other explosive substance with intent to destroy or damage any building or any engine, machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any damage be caused, be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. Attempting to destroy buildings with gunpowder.

INJURIES TO BUILDINGS BY RIOTERS, &c.

Rioters demolishing
church, buildings, &c.

9. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish or pull down or destroy, or begin to demolish, pull down, or destroy any church, chapel, meeting-house or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, mill-house, boiling-house, curing-house, still-house, barn, storehouse, granary, shed, hovel or fold, or any trash-house or megass-house, or any building or erection used in farming land or in carrying on any trade or manufacture or any branch thereof, or any building other than such as are in this section before mentioned, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam engine, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement.

Rioters injuring
building, machinery,
&c.

10. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coach-house, outhouse, warehouse, office, shop, mill, mill-house, boiling-house, curing-house, still-house, barn, storehouse, granary, shed, hovel, fold, building, erection, machinery, or engine as is in the last preceding section mentioned, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour: Provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof and he may be punished accordingly.

INJURIES TO BUILDINGS BY TENANTS.

Tenants of houses,
&c. maliciously in-
juring them.

11. Whosoever being possessed of any dwelling-house or other building or part of any dwelling-house or other building held for any term of years or other less term, or at will, or held over after the termination of any tenancy shall unlawfully and maliciously pull down or demolish, or begin to pull down or demolish the same or any part thereof, or shall unlawfully and maliciously pull down or sever from the freehold any fixture being fixed in or to such dwelling-house or building or part of such dwelling-house or building, shall be guilty of a misdemeanor.

Destroying machines
in manufactures,
thrashing machines,
&c.

12. Whosoever shall unlawfully and maliciously cut, break, or destroy or damage with intent to destroy or to render useless any machine or engine, whether fixed or moveable, used or intended to be used for sowing, reaping, mowing, thrashing, ploughing, or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or moveable, prepared for or employed in any manufacture whatsoever, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

INJURIES TO CANES, CORN, TREES, AND VEGETABLE PRODUCTIONS.

Carrying or having
fire in cane field, &c.

13. Whosoever shall take, carry, or have any fire, lighted torch, pipe, or cigar into or in any piece of canes, whether standing or cut down, or shall carelessly

set on fire any such canes, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

14. Whosoever shall unlawfully and maliciously set fire to any canes, hay, grass, corn, grain, or pulse, or any cultivated vegetable produce, whether standing or cut down, or to any wood, coppice, or trees, or to any brushwood, where-soever the same may be growing, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. *Setting fire to canes &c.*

15. Whosoever shall unlawfully and maliciously set fire to any stack of corn, grain, canes, hay, straw, trash, megass, or of any cultivated vegetable produce, or of coals, charcoal, or wood, or to any trash or any cultivated vegetable produce when cut, drawn, or severed from the land, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. *Setting fire to any stack of corn, &c.*

16. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any such matter or thing as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to the offender would be under either of such sections guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. *Attempting to set fire to any canes, &c.*

17. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood growing in any pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of one pound), shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. *Destroying or damaging trees, shrubs, &c. of the value of more than 1l. growing in a pleasure ground, &c.*

18. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood growing elsewhere than in any pleasure ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of five pounds), shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. *Destroying or damaging trees, shrubs, &c. to the value of more than 5l. growing elsewhere than in a pleasure ground, &c.*

19. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, whosoever the same may be growing, the injury done being to the amount of one shilling at the least, shall on conviction thereof before a police magistrate at his discretion either be committed to the common gaol, there to be imprisoned only or to be imprisoned and kept to hard labour for *Damaging trees whosoever growing to the amount of 1s.*

any term not exceeding three months, or else shall forfeit and pay over and above the amount of the injury done such sum of money not exceeding five pounds as to the magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting magistrate shall think fit; and whosoever having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) shall afterwards commit any of the said offences in this section before mentioned shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

20. Whosoever shall unlawfully and maliciously destroy or damage with intent to destroy any plant, root, fruit, or vegetable production growing in any garden, orchard, nursery ground, or conservatory, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the amount of the injury done such sum of money not exceeding twenty pounds as to the magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

21. Whosoever shall unlawfully and maliciously destroy or damage with intent to destroy any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, or nursery ground, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding one month, or else shall forfeit and pay over and above the amount of the injury done such sum of money not exceeding twenty shillings as to the magistrate shall seem meet, and in default of payment thereof together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol, there to be kept to hard labour for such term not exceeding six months as the convicting magistrate shall think fit.

INJURIES TO FENCES.

22. Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall on conviction thereof before a

police magistrate for the first offence forfeit and pay over and above the amount of the injury done such sum of money not exceeding five pounds as to the magistrate shall seem meet; and whosoever having been convicted of any such offence, either against this or any former Act, shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner shall be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting magistrate shall think fit.

Second offence.

INJURIES TO SEA BANKS, CANALS, &c.

23. Whosoever shall unlawfully and maliciously break down or cut down or otherwise damage or destroy any sea bank or sea wall, or cut off, draw up, or remove any pile or other material fixed in the ground and used for securing any sea bank or sea wall, or the bank or wall of any stream, canal, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, wharf, or jetty, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Destroying any sea bank, &c.

INJURIES TO PONDS.

24. Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the wall, dam, bank, or sluice of any pond, reservoir, or pool, or of any water, whether the same shall be public or private property, or shall unlawfully and maliciously put any lime or noxious material in any such pond, reservoir, pool, or water, or shall unlawfully cut through, break down, or otherwise destroy the wall, dam, bank, or sluice of any such pond, reservoir, pool, or water, or shall unlawfully put any lime or noxious material in any such pond, reservoir, pool, or water, or any water running into any such pond, reservoir, or pool, with intent thereby to take or destroy any fish, or so as thereby to cause the loss or destruction of any fish, or to injure the water in any such pond, reservoir, or pool, or any water running into the same, shall be guilty of misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Breaking down the dam of a fishery, &c., or poisoning fish or water.

INJURIES TO BRIDGES AND VIADUCTS.

25. Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any bridge (whether over any stream of water or not), or any viaduct or aqueduct over or under which bridge, viaduct, or aqueduct any highway or canal shall pass, or do any injury with intent and so as thereby to render such bridge, viaduct, or aqueduct, or the highway or canal passing over or under the same or any part thereof dangerous or impassable, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under sixteen years of age with or without whipping.

Injury to public bridge.

INJURIES TO WORKS OF ART.

26. Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing

Destroying or damaging works of art in public library, museum, &c.

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seums, &c., or in public places.

kept for the purposes of art, science, or literature, or as an object of curiosity, in the public library, or in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository, is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof or by the payment of money, or any picture, statue, monument, or other memorial of the dead, painted glass, or other ornament or work of art in any church, chapel, meeting-house, or other place of divine worship, or in any building belonging to the Queen or to this Colony, or to any board of persons or trustees for public purposes, or in any street, churchyard, burial ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing, or fence surrounding such statue or monument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour, and if a male under the age of sixteen years with or without whipping: Provided that nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for the injury so committed.

INJURIES TO CATTLE AND OTHER ANIMALS.

Killing or maiming cattle.

27. Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Killing or maiming other animals.

28. Whosoever shall unlawfully and maliciously kill, maim, or wound any dog, bird, beast, or other animal not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or for any domestic purpose, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay over and above the amount of injury done such sum of money not exceeding twenty pounds as to the magistrate shall seem meet; and whosoever having been convicted of any such offence shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol, there to be kept to hard labour for such term not exceeding twelve months as the convicting magistrate shall think fit.

Second offence.

DESTROYING SHIPS, &c.

Setting fire to a ship.

29. Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Setting fire to ships to prejudice the owner or underwriters.

30. Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any ship or vessel with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten

years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

31. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to, cast away, or destroy any ship or vessel under such circumstances that if the ship or vessel were thereby set fire to, cast away, or destroyed, the offender would be guilty of felony shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Attempting to set fire to a vessel.

32. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any ship or vessel any gunpowder or other explosive substance with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods, or chattels shall, whether or not any explosion take place, and whether or not any injury be effected, be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Placing gunpowder near a vessel with intent to damage it.

33. Whosoever shall unlawfully and maliciously damage otherwise than by fire, gunpowder, or other explosive substance any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same or render the same useless, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Damaging ships otherwise than by fire.

34. Whosoever shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal with intent to bring any ship, vessel, or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is herein-before provided, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Exhibiting false signals, &c.

35. Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, rope, perch, mark, used or intended for the guidance of seamen or the purpose of navigation, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

Removing or concealing buoys and other sea marks.

36. Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding five years, with or without hard labour, and with or without solitary confinement.

Destroying wrecks or any articles belonging thereto.

SENDING LETTERS THREATENING TO BURN OR DESTROY.

Sending letters threatening to burn or destroy houses, buildings, ships, &c.

37. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, trash, megass, or straw, or other agricultural produce, or any grain, hay, trash, megass, or straw, or other agricultural produce in or under any building or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding four years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping.

INJURIES NOT BEFORE PROVIDED FOR.

Persons committing malicious injuries not before provided for exceeding the amount of *5l.*

38. Whosoever shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is herein-before provided, the damage, injury, or spoil being to an amount exceeding five pounds, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour; and in case any such offence shall be committed between the hours of eight of the clock in the evening and five of the clock in the next morning shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour.

Unlawfully remaining on land after being warned to depart.

39. Whosoever shall unlawfully persist in coming or remaining upon any plantation, lands, or premises after being warned not to come thereon or to depart therefrom, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding two months, or else shall forfeit and pay such sum of money not exceeding five pounds as to the magistrate shall seem meet.

Persons committing damage to any property in any case not previously provided for may be committed or fined, and compelled by a police magistrate to pay compensation not exceeding *5l.*

40. Whosoever shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is herein-before provided, shall on conviction thereof before a police magistrate at the discretion of the magistrate either be committed to the common gaol, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding two months, or else shall forfeit and pay such sum of money not exceeding five pounds as to the magistrate shall seem meet, and also such further sum of money as shall appear to the magistrate to be a reasonable compensation for the damage, injury, or spoil so committed not exceeding the sum of five pounds, which last-mentioned sum of money shall in the case of private property be paid to the party aggrieved; and in the case of property of a public nature or wherein any public right is concerned the money shall be applied in the same manner as every penalty imposed by a police magistrate under this Act, and if such sums of money together with costs, if ordered, shall not be paid either immediately after the conviction or within such period as the magistrate shall at the time of the conviction appoint, the magistrate may commit the offender to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the magistrate shall think fit, for any term not exceeding two months, unless such sums and costs be sooner paid: Provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass not being

Application of the money awarded.

Not to extend to certain cases herein named.

wilful and malicious committed in shooting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not passed.

41. The provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is herein-before provided. Preceding section to extend to trees.

MAKING GUNPOWDER TO COMMIT OFFENCES.

42. Whosoever shall make or manufacture or knowingly have in his possession any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing with intent thereby or by means thereof to commit or for the purpose of enabling any other person to commit any of the felonies in this Act mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years with or without whipping. Making or having gunpowder, &c. with intent to commit any felony against this Act.

OTHER MATTERS.

43. In the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender. Principals in the second degree and accessories.

44. Any constable or peace officer may take into custody without warrant any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a police magistrate to be dealt with according to law. Abettors in misdemeanors.

45. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise. A person loitering at night and suspected of any felony against this Act may be apprehended.

46. Every provision of this Act not herein-before so applied shall apply to every person who with intent to injure or defraud any other person shall do any of the acts herein-before made penal, although the offender shall be in possession of the property against or in respect of which such act shall be done. Malice against owner of property unnecessary.

47. It shall be sufficient in any indictment for any offence against this Act, where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be), without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove Provisions of this Act shall apply to persons in possession of the property injured.

Intent to injure or defraud particular persons need not be stated in any indictment.

that the party accused did the act charged with an intent to injure or defraud (as the case may be).

Persons in the act of committing any offence may be apprehended without a warrant.

48. Any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended without a warrant by any peace officer, or the owner of the property injured or his servant, or any person authorized by him, and forthwith taken before a police magistrate or before some neighbouring justice of the peace, in order to such person being secured or bound over until he can be brought before such police magistrate to be dealt with according to law.

Mode of compelling the appearance of persons punishable on summary conviction.

49. Where any person shall be charged on the oath of a credible witness before a police magistrate with any offence punishable on summary conviction under this Act the magistrate may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person by delivering the same to him personally or by leaving the same at his usual place of abode) the magistrate may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person and bringing him before himself or some other police magistrate, or the magistrate before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant, and the magistrate before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

Abettors in offences punishable on summary conviction.

50. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission or for the first and second time only, or for the first time only, shall on conviction before a police magistrate be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

Application of forfeitures and penalties upon summary convictions.

51. Every sum of money which shall be forfeited for the amount of any injury done shall be assessed in each case by the convicting magistrate and shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any magistrate, whether in addition to such amount or otherwise, shall be payable to Her Majesty, Her heirs and successors, and shall be paid over to the public Treasurer for the public uses of the Colony: Provided that where several persons shall join in the commission of the same offence, and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than such value or amount, and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a police magistrate is herein-before directed to be applied.

Proviso where several persons join in commission of same offence.

If a person summarily convicted shall not pay, &c. the magistrate may commit him.

52. In every case of a summary conviction under this Act where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the magistrate, shall not be paid either immediately after the conviction or within such period as the magistrate shall at the time of the conviction appoint, the convicting magistrate (unless where otherwise specially directed) may commit the offender to the common gaol, there to be imprisoned only or to be imprisoned and kept to hard labour according to the discretion of the magistrate for any term not exceeding two months where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds; and for any term

not exceeding four months where the amount with costs shall not exceed ten pounds; and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

53. Where any person shall be summarily convicted before a police magistrate of any offence against this Act and it shall be a first conviction, the magistrate may, if he shall so think fit, discharge the offender from his conviction upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the magistrate.

The police magistrate may discharge the offender in certain cases.

54. When any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have received a remission thereof from the Crown or the Governor of this Colony, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment awarded in the first instance, or shall have been so discharged from his conviction by any magistrate as aforesaid, he shall be released from all further or other proceedings for the same cause.

A summary conviction shall be a bar to any other proceeding for the same cause.

55. No summary conviction under this Act shall be quashed for want of form or be removed by certiorari into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

No certiorari, &c.

56. Upon any indictment or information against any person for a subsequent offence, a copy of the previous conviction certified by the police magistrate of the district in which such previous conviction shall have taken place, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

Evidence of previous conviction.

57. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

Proceedings against persons acting under this Act.

General issue, &c.

58. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act, the court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour, and in case of any felony punishable under this Act the court may, if it shall think fit, require the offender to enter into his own recognizances and to find sureties, both or either,

Fine and sureties for keeping the peace, in what cases.

for keeping the peace, in addition to any punishment by this Act authorized: Provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Hard labour.

59. Whenever imprisonment with or without hard labour may be awarded for any indictable offence under this Act, the court may sentence the offender to be imprisoned or to be imprisoned and kept to hard labour in the common gaol, and all male offenders sentenced or made liable to imprisonment with hard labour under this Act may be worked and employed under the provisions contained in section forty-nine of the Act dated the 8th day of September 1857, entitled "An Act for improving the Administration of Criminal Justice."

No. 135, s. 49.

Solitary confinement and whipping.

60. Whenever solitary confinement may be awarded for any indictable offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this Act, the court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

Proceedings on summary convictions.
No. 169, s. 28.

61. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act dated the twenty-ninth day of August 1861, entitled "An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders," and all provisions contained in the said Act, including the right of appeal when and on the terms thereby allowed, shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Commencement of Act.

62. This Act shall commence and take effect on the first day of October one thousand eight hundred and sixty-three.

Title.

63. This Act may be cited as the "Malicious Injury to Property Act."

No. 194.

AN ACT to consolidate and amend the Statute Law of Antigua relating to Accessories to, and Abettors of, indictable Offences.

[Dated 12th September 1863; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS it is expedient to consolidate and amend the statute law of Antigua relating to accessories to, and abettors of, indictable offences: Be it enacted by the Governor, the Council, and Assembly of Antigua, and it is hereby enacted by the authority of the same as follows:

AS TO ACCESSORIES BEFORE THE FACT.

Accessories before the fact may be tried and punished as principals.

1. Whosoever shall become an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal felon.

Accessories before the fact may be indicted as such or as substantive felons.

2. Whosoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, shall be guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal

felon shall or shall not have been previously convicted or shall or shall not be amenable to justice, and may therefore be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

AS TO ACCESSORIES AFTER THE FACT.

3. Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

Accessories after the fact may be indicted as such or as substantive felon

4. Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law or by virtue of any Act passed or to be passed, shall be liable at the discretion of the court to be imprisoned in the common gaol for any term not exceeding two years, with or without hard labour, and it shall be lawful for the court, if it shall think fit, to require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to such punishment: Provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Punishment of accessories after the fact

AS TO ACCESSORIES GENERALLY.

5. If any principal offender shall be in anywise convicted of any felony it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal shall die, or be pardoned, or otherwise delivered before attainder, and every such accessory shall upon conviction suffer the same punishment as he would have suffered if the principal had been attainted.

Prosecution of accessory after principal has been convicted but not attainted

6. Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment and may be tried together, notwithstanding the principal felon shall not be included in the same indictment or shall not be in custody or amenable to justice.

Several accessories may be included in the same indictment although principal felon not included

7. The offence of any person who shall be an accessory either before or after the fact to any felony may be dealt with, inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felony to which such person shall have become such accessory: Provided that no person who shall be once duly tried either as an accessory before or after the fact, or for a substantive felony under the provisions herein-before contained shall be liable to be afterwards prosecuted for the same offence.

Trial of accessories

AS TO ABETTORS IN MISDEMEANORS.

8. Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanor, whether the same be a misdemeanor at common law or by virtue of any Act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal offender.

Abettors in misdemeanors.

9. This Act shall commence and take effect on the first day of October one thousand eight hundred and sixty-three.

Commencement of Act.

No. 195.

AN ACT to repeal certain Enactments which have been consolidated in several Acts relating to Indictable Offences and other Matters.

[Dated 30th September 1863; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS by four several Acts passed relating respectively to offences against the person, malicious injuries to property, larceny, and accessories and abettors, divers Acts and parts of Acts have been consolidated and amended, and it is expedient to repeal the enactments so consolidated and amended:

Be it enacted by the Governor, the Council, and Assembly as follows:

1. The several Acts and parts of Acts in the Schedule hereto annexed shall continue in force until and throughout the last day of September in the present year, and shall from and after that day be repealed.

Provided that every offence which shall have been wholly or partly committed against any of the said Acts or parts of Acts before this Act comes into operation shall be dealt with, inquired of, tried, determined, and punished, and every penalty in respect of any such offence shall be recovered in the same manner as if the said Acts and parts of Acts had not been repealed, and that every act duly done and every warrant and other instrument duly made or granted before this Act comes into operation shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed, and that every right, liability, privilege, and protection in respect of any matter or thing committed or done before this Act comes into operation shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed, and that every action, prosecution, and other proceeding which shall have been commenced before this Act comes into operation, or shall thereafter be commenced in respect of any such matter or thing, may be prosecuted, continued, and defended in the same manner as if the said Acts and parts of Acts had not been repealed.

SCHEDULE enumerates Acts repealed.

No. 196.

AN ACT to make Provision with respect to the Roads of this Island.

[Dated 30th September 1863; Left to its operation by Order in Council dated 7th April 1864.]

BE it enacted by the Governor, the Council, and Assembly:

1. It shall be lawful for the Governor to appoint under his hand and seal nine persons to act as commissioners of the highways and roads of the Island, and from time to time as occasion shall require to change or alter such commissioners, and for that purpose to issue new or further commission or commissions, and such persons shall be called "Commissioners of Roads," one of whom to be appointed from the Council and three at least from the Assembly.

2. The said commissioners (three of whom shall form a quorum for the transaction of business) shall transact the general business in connexion with the said highways and roads, and shall examine the accounts of all money

Repeal of Acts and parts of Acts mentioned in schedule.

Repeal not to affect offences and acts committed, done, or commenced before commencement of this Act.

Appointment of commissioners of roads.

Duties of commissioners.

expended under and by virtue of this Act, and shall certify the correctness of the same, and shall certify what further and other sum it may be necessary to provide for the expenses to be incurred on such highways and roads during the next ensuing month, and upon such certificate it shall be lawful for the Governor to issue his warrant to the Treasurer for the payment of the same; and the commissioners shall meet the first Monday in every month (and oftener if necessary) for the transaction of business.

3. It shall be lawful for the Governor to appoint some fit and proper person to act as clerk to the said commissioners, and from time to time if necessary to dismiss the person so appointed and appoint another in his stead, and such person shall be entitled to receive a salary of thirty pounds *per annum*, to be payable on the warrant of the Governor; and it shall be the duty of such clerk to keep accounts of the expenditure of the money granted to the said commissioners and of their general business in connexion with the said highways and roads.

Appointment
his salary and

4. It shall be lawful for the Governor to appoint two inspectors of the said highways and roads, and from time to time if necessary to dismiss the persons so appointed and to appoint others in their stead, and such persons shall be entitled to receive a salary of one hundred and fifty pounds each *per annum*, to be payable on the warrant of the Governor.

Two inspectors
appointed, their
salaries.

5. The said inspectors shall, subject to the order of the Governor, and under the direction of the said commissioners, be charged with the formation, repair, and preservation of the said highways and roads, and shall keep a record of their proceedings generally in relation thereto in proper books to be provided at the public expense, and kept by them for that purpose, and shall report monthly or oftener, if required, to the said commissioners.

Duties of inspect

6. The said highways and roads shall be divided into three classes, and the first class shall consist of such roads as are enumerated in the first part of the Schedule to the Act marked A., and shall be twenty-four feet wide, and the second class shall consist of such roads as are enumerated in the second part of the said Schedule, and shall be eighteen feet wide, and the third class shall consist of such roads as are enumerated in the third part of the said Schedule, and shall be twelve feet wide, exclusive of the side trenches respectively; and the extent of expenditure upon each of the said several classes of highways and roads shall be in the discretion of the said commissioners.

Division of high
ways and roads into th
classes.

7. It shall be lawful for the said commissioners from time to time, as occasion shall require, to make or cause to be made in any land, whether the same shall be public property or the property of any private individual or individuals, any trench, ditch, or watercourse for the purpose of draining any of the said highways and roads, and to throw the soil or material from any such trench, ditch, or watercourse upon the land adjoining any such trench, ditch, or watercourse.

Commissioners
make trenches,

8. It shall be lawful for the said commissioners for the purposes of the repair of any of the said highways or roads to take any stones or other materials lying or appearing on the surface of any soil, except such stone or materials as may be found in any cultivated land, and to take stones or other materials from any convenient quarry, except such stones as shall have been quarried, cut, or raised for building or other private purposes, and to lay upon any uncultivated land adjoining any highway or road any materials to be used in the repair of such highways.

and take stones
the surface of u
cultivated land, at
quarried stones
any convenient
quarry,

9. It shall be lawful for the said commissioners to cut down or trim or remove, or cause to be cut down or trimmed or removed any trees, hedges, or fences growing, standing, or being near any of the said highways or roads which the

and cut down
trim trees, hedges
overhanging

and divert or alter roads.

Commissioners may on reconstruction or repair of roads make temporary roads.

Persons damaged by anything done under provisions of this Act may recover compensation on application to police magistrate.

Proceedings against persons who encroach upon or obstruct roads.

said commissioners may consider in any way to impede, interfere with, overhang, or otherwise obstruct or prejudicially affect any such highway or road.

10. It shall be lawful for the said commissioners to divert, alter, widen, or in any way improve any of the said highways or roads.

11. It shall be lawful for the said commissioners whenever they shall deem the same necessary for the purposes of the reconstruction or repair of any of the said highways or roads to make any temporary road, way, or path through, over, or upon any land which they may deem most convenient and conducive to the public advantage, (such land not being the site or ground upon which any houses or other buildings stand, nor where any house or other building is being built, nor where the foundations of any house or other building have been dug and laid, nor being a garden, lawn, yard, planted walk, or avenue to any house,) to be made use of as a public way, road, or path during the time that any such highway or road shall be under such reconstruction or repair.

12. If and when any person shall be damaged and injured or in any way suffer loss on account or by reason of anything done or caused to be done under the authority of this Act by the said commissioners, he shall be at liberty to appear before a police magistrate for the district in which such injury or loss shall have been suffered or sustained and state the nature and extent of such injury and loss, and the said police magistrate shall cause the said commissioners to be summoned, who are hereby required, either by themselves or one of themselves, or by an inspector or by some person duly authorized to represent them, to be present and attend, and shall upon hearing such evidence as to the nature and extent of the said loss determine and appraise the extent of the injury done to such person, or of the loss sustained by him by reason of any one or more of the causes aforesaid, and shall upon such determination and appraisal certify under his hand and seal the amount of money that ought to be paid to such person so damaged suffering injury or loss as aforesaid, on account of such injury or loss, and the person so damaged suffering injury or loss as aforesaid shall be entitled to receive such sum by way of compensation as shall be stated and set forth in the said certificate, upon the warrant of the Governor.

13. If any person shall in any way encroach upon any of the said highways or roads, or shall wilfully or negligently cause or permit any obstruction or damage to any of the said highways or roads, or shall in any way obstruct, damage, or permit or suffer to be obstructed or damaged any of the drains, trenches, ditches, or watercourses under, by the sides of, or leading to or from, or in any way connected with or made for the purposes of any of the said highways or roads, or shall in any way damage, injure, spoil, or destroy, or permit or suffer to be damaged or injured, spoiled or destroyed any of the walls, hedges, fences, mile stones, road marks, or any mason work or other work of, upon, or in any way belonging to any of the said highways or roads, and shall refuse or neglect within ten days after notice under the hand of the clerk of the said commissioners to amend, remove, repair, or reinstate any such encroachment, obstruction, damage, injury, or destruction, it shall be lawful for the said commissioners to amend, remove, repair, or reinstate any such encroachment, obstruction, damage, injury, or destruction, and such person so refusing or neglecting as aforesaid shall be liable on conviction before a police magistrate of having refused or neglected to amend, remove, repair, or reinstate any such encroachment, obstruction, damage, injury, or destruction, to a fine or penalty not exceeding ten pounds, and to pay the amount which shall have been expended in the amending, removing, repairing, or reinstating any such encroachment, obstruction, damage, injury, or destruction, to be paid by such time as

the said police magistrate shall order; and if such person shall refuse or be unable to pay such fine or penalty and such sum as shall have been expended by the said commissioners as aforesaid, together with costs (if any), it shall be lawful for the said police magistrate to commit such person to the common gaol for any period not exceeding thirty days, unless such fine or penalty, sum, and costs be sooner paid.

14. It shall not be lawful for any person to erect or cause to be erected any steam engine or other like machine, or any machinery attached thereto, nor any windmill or limekiln, within fifty yards from any part of any of the said highways or roads, unless such steam engine or other like machinery shall be within some house or building, or behind some wall or fence, sufficient to conceal or screen the same from any of the said highways or roads, so that the same shall not be dangerous to passengers, horses, or cattle: Provided that nothing herein contained shall be construed to restrain any person from using, repairing, rebuilding, or enlarging any windmill, steam engine, or other like machine which may have been erected and may be in use or existence at the time of the passing of this Act.

No steam engine, windmill, or other machinery to be erected within 50 yards of any highway or road.

15. If any person shall commence to erect or set up any steam engine or other like machine, or any machinery attached thereto, or any windmill or limekiln, within fifty yards from any of the said highways or roads, and such person shall not immediately, upon being required so to do by a notice in writing under the hand of the said clerk of the said commissioners, take down or remove the same, it shall be lawful for the said commissioners to go upon the land upon which such steam engine or other like machinery, or any machinery attached thereto, or any windmill or limekiln, shall be commenced to be erected or set up, and remove the same; and the said commissioners are hereby authorized and directed to go upon any land upon which any person shall have commenced to erect or set up any steam engine or other like machine, or any machinery thereto attached, or any windmill or limekiln, which in the opinion of the said commissioners shall be within fifty yards from any of the highways or roads, for the purpose of discovering whether such steam engine or other like machinery, or any machinery attached thereto, or any windmill or limekiln, is within fifty yards of any of the highways or roads; and if the person offending against the provisions of this or the next preceding section of this Act shall not, on demand in writing made by the clerk of the said commissioners, pay the expenses which shall have been incurred in taking down or removing any such steam engine or other like machinery, or any machinery attached thereto, or any windmill or limekiln, such person shall, on conviction before a police magistrate, be liable to pay the amount of expenses so as aforesaid incurred, and further to pay a fine or penalty not exceeding fifty pounds, such expenses and fine to be paid within such time as shall be appointed by the said police magistrate, and in default of payment of such expenses and fine or penalty, together with costs (if any), by such person it shall be lawful for the said police magistrate to commit such person to the common gaol, with or without hard labour, for any period not exceeding three months, unless such expenses, fine, or penalty and costs, shall be sooner paid.

and if commenced to be erected within that distance to be removed.

Penalty on non-compliance in addition to cost of removal.

16. If there shall be on or near any of the said highways and roads any house, building, wall, or erection of any kind or nature whatsoever, or any other thing whatsoever which may be in the opinion of the said commissioners, who are hereby authorized, empowered, and required to go upon the property of any person for the purpose of inspecting and examining the same, dangerous to the life of any person who may pass or travel on any such highway or road, and the person on whose land any such thing may be shall not, on being required

Buildings or erections near highways or roads dangerous to life rendered safe by removal.

Penalties on non-removal.

so to do, remove, repair, uphold, or otherwise render safe and secure any such thing which may as aforesaid be dangerous to life, it shall be lawful for the said commissioners to take such steps or do such thing as they may deem proper for rendering such thing safe and secure; and any person who shall not, upon such notice as aforesaid, remove, repair, uphold, or otherwise render safe and secure any such thing as aforesaid so as aforesaid dangerous to life, shall be liable on conviction before a police magistrate to a fine or penalty not exceeding ten pounds, and to pay the amount which shall have been expended by the said commissioners in rendering such thing safe and secure; and if such person shall not on conviction of such offence pay the amount which shall have been so expended in rendering such thing safe and secure, and the amount of such fine or penalty, together with costs (if any), by such time as shall be fixed by the said police magistrate, it shall be lawful for the said police magistrate to commit such person to the common gaol for any period not exceeding thirty days, unless such fine or penalty, sum, and costs shall be sooner paid.

Penalty for obstruction of commissioners in execution of their duty.

17. Any person who shall molest, threaten, or oppose, or interfere with the said commissioners while in the discharge or execution of their duty under and in relation to the provisions of this Act, shall be liable on conviction thereof before a police magistrate to a fine or penalty not exceeding ten pounds, and in default of payment thereof, together with costs, it shall be lawful for the said police magistrate to commit such person to the common gaol, with or without hard labour, for any period not exceeding thirty days, unless such fine or penalty and costs shall be sooner paid.

Inspector or person employed under this Act causing damage to anyone through neglect liable to penalty without prejudice of right of party to compensation by suit.

18. If any inspector or any person employed under the authority or for the purposes of this Act shall lay or cause to be laid upon any of the said highways or roads any heap of stones, or any other matter or thing whatsoever, or shall allow the same to remain on any of such highways or roads, or shall dig or cause to be dug any hole, trench, ditch, or watercourse, or shall do or suffer to be done up on any such highways or roads anything which may be to the danger or damage, injury, or loss of any person passing thereon, and shall not take all due, proper, and reasonable precaution to guard against the same, or shall do or suffer to be done anything not authorized by the provisions of the Act, whereby any person or the property of any person is damaged, injured, or destroyed, such inspector or person shall be liable on conviction before a police magistrate to a fine or penalty not exceeding ten pounds, and in default of payment thereof it shall be lawful for the said police magistrate to commit such inspector or person so offending to the common gaol, with or without hard labour, for a period not exceeding thirty days, without prejudice to the right of any such person to recover compensation in any action or suit for or in respect of any such damage, injury, or loss.

Term road commissioners defined.

19. Wherever in this Act the word "commissioners" is used, such word shall extend to and include all persons acting under the authority or by the direction of or under or for the said "Commissioners of Roads," and all such persons shall have the same authority and powers, and shall be entitled to the same protection as are in and by this Act conferred upon and granted to the said commissioners of roads.

Right of appeal under Act No. 169, s. 28, reserved.

20. The sections providing for and regulating appeals from the summary decisions of police magistrates contained in the Act of this Island, intitled "An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders," shall be and the same are hereby incorporated into and shall form part of this Act, and appeals from summary decisions of police magistrates under this Act shall and may be made and prosecuted in the cases and in the manner mentioned in the said Act.

21. The fines and penalties imposed by this Act shall be paid into the public Treasury and shall be applied to the purposes of this Act. Application and penalties.

22. The Treasurer shall from time to time pay on the warrant of the Governor, and upon the certificate of the said commissioners, such sums of money as shall be required for the payment of the expenses incurred under the authority and provisions of this Act, provided that such sums shall not exceed the aggregate sum of two thousand pounds *per annum*. Payment of incurred and not exceeding per annum.

23. Repeals former Act. Repeal of Act.

24. No steam plough or other steam engine and no moveable house or tene-
ment shall pass or travel, or be allowed to pass or travel, or to be removed
through or along any street or public highway, except before the hour of ten
o'clock in the day, and any person who shall assist or be concerned in con-
travening the prohibition in this section shall, on conviction before a police
magistrate, be liable to a fine not exceeding forty shillings for every such offence,
and in default of payment thereof it shall be lawful for the convicting magistrate
to commit such person so offending to the common gaol for a period not exceeding
thirty days. No steam plough, steam engine, moveable house, removed over way except before 10 o'clock of day.

25. This Act shall be in force for three years from the date hereof and
thenceforward to the next meeting of the Council and Assembly. Duration of Act.

26. This Act may be cited as the "Road Act." Short title of Act.

SCHEDULE to this Act.

CLASS I.—FIRST-CLASS ROADS.

Saint John's to English Harbour.
Ditto past Cassada Garden, Fitches Creek, Parham, and on to Royal Oak.
Ditto Clare Hall, Tomlinson's, Vernon's, and on to Comfort Hall.
Royal Oak—through Diamond, Parry's—to Lynch's.
Saint John's Valley Road to Jennings's.
Ditto Marble Hill to Weatherill's.
Ditto Friar's Hill, Dunbar's, Langford's to Hart's and Royal's and Thibou's.
Past Carlisle's to High Point.
Weatherill's to Saint James'.
Millar's to Saint George's Church.

CLASS II.—SECOND-CLASS ROADS.

Jennings's to Old Road.
Winthrop's to Gravenor's.
Parham to Crabb's, Cottou New Work, and Cocoa Nut Hall.
Cocoa Nut Hall to Carr's Stream.
Seaview to Upper Freeman's.
All Saints to Yeaman's.
Five Island's Road.
Archbold's to Skerrett's and Colebrook's.
Through Lavington's to Thomas'.
Lavington's to Retreat and Belfast Chapel.
Mayers to Elms' and Mountpelier.
Harman's to Lavington's.
Delaps to English Harbour Road.
Cassada Garden Pasture to Judge Blizard's and Thibou's.

CLASS III.—THIRD-CLASS ROADS.

Drews Hill to Body Ponds.
 Bendals, Sage Hill, and Sawcolt's to Old Road.
 Past Scaforth and Yorks.
 Past Green Castle.
 Tranquil Vale to Blubber Valley.
 From Valley Road to Providence.
 Date Hill to Fort Ryam.
 Saint Philip's past Laviscount's and Grant's.
 Ditto past Waldron's, Sheriff's, and Mannlug's.
 Saint Paul's past Patterson's, Bailey Hill, Dimsdale, and Richmond.
 Patterson's to Ding-a-Ding Nook.
 Fitches Creek Church to Saint George's Stream.

No. 197.

AN ACT for the securing to Thomas Thibou the exclusive Benefit for a limited Time of certain Inventions for converting certain Grasses, Megass, and other Vegetable Fibrous Substances into "Pulp" and "Half Stuff" for the Manufacture of Paper.

[Dated 30th September 1863; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS Thomas Thibou of this Island hath by his humble petition to the Legislature of this Island represented that he is in possession of certain inventions for the converting certain grasses, megass, and other fibrous vegetable substances into "pulp" and "half" stuff for the purpose of being used in the manufacture of paper, which inventions he believes to be of great public utility, and that he is the first and true inventor thereof, and that the same are not in use by any other person or persons, to the best of his knowledge and belief, and he hath by his said petition prayed to be protected by a legislative Act in the exclusive use and benefit of such invention for a limited time and on such terms as may be thought fit by the Legislature of this Island: To the end therefore that the said Thomas Thibou may be encouraged and rewarded for such useful invention and be protected in the exclusive benefit thereof:

Be it therefore enacted by the Governor, the Council, and the Assembly as follows:

1. The said Thomas Thibou, his executors, administrators, and assigns shall have and enjoy, and he and they hath and have hereby granted unto him and them the sole benefit and advantage of using such invention for and during the space of six years next after the passing of this Act.

2. If any person or persons or any body or bodies politic or corporate during the said term of six years shall either directly or indirectly make, use, or put in practice the said inventions or any part of the same, or in anywise counterfeit, imitate, or resemble the same, or make or cause to be made any addition thereto or subtraction from the same, whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the licence of the said Thomas Thibou, his executors, administrators, or assigns, in writing under his or their hand or hands, the said Thomas Thibou, his executors, administrators, or assigns, shall have and be entitled to such and the like remedies against any such persons or body politic or corporate, both at law and in equity, as the grantee of any letters patent for any invention would be entitled to in the like case by the law of England.

Use of invention
 granted to patentee
 for six years.

Patentee to be entitled
 on infringement of
 his rights to same
 remedies as grantees
 of patent in England.

And in any such action or suit the defendant may use any matter of defence to which such defendant would be entitled in England in any action or suit brought for infringing any patent granted by Her Majesty.

3. Provided nevertheless that if the said Thomas Thibou shall not particularly describe the nature of his said inventions, and in what manner and to what substances the same are to be performed, prepared, and applied, and by an instrument in writing under his hand, and cause such instrument to be delivered within three months after the passing of this Act to the Colonial Secretary of this Island, sealed up, to be deposited in the office of such Colonial Secretary, then all privileges and advantages whatsoever hereby granted to the said Thomas Thibou, his executors, administrators, and assigns, shall utterly cease, determine, and become void, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Nature of invention described in written instrument under seal to be deposited in Secretary's office within three months after passing of this Act.

4. The said Colonial Secretary shall on the first day of October one thousand eight hundred and sixty-three, or on an earlier day if required by the said Thomas Thibou, his executors or administrators, or his or their attorney, break the seal of such instrument and record the same in his office.

Colonial Secretary to break seal and record instrument in his office.

No. 198.

AN ACT to establish a Board of Health for this Island.

[Dated and published 10th October 1863; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS it is expedient to make provision for the preservation of the health of the inhabitants and the prevention of the spread of endemic or epidemic, contagious or infectious diseases, by the adoption of sanitary measures :

Be it therefore enacted by the Governor and the Council and Assembly as follows :

1. In the construction of this Act the word "lands" and the word "premises" shall include messuages, lands, and hereditaments of freehold and leasehold tenure ; the word "owner" shall mean the person for the time being receiving rent of the property in connexion with which the word is used, whether on his own account or as trustee or representative of any other person who would so receive such rent if the property were rented ; the word "road" shall apply to and include any highway or footpath, whether public or otherwise, and the word "street" any lane, footway, alley, or passage within the limits of the city of Saint John or in the towns and villages of this Island ; the words "notice in writing" shall mean a notice in writing signed by the chairman or chairman for the time being of the Board of Health herein-after mentioned, or any member of the said board ; and the words "city of Saint John" for the purposes of this Act and for other purposes generally shall mean the district bounded by the north side of Dickenson's Bay Street, beginning at the causeway to Rat Island and ending at the north-east angle of Hyndman's village on the north, and by a line drawn from such north-east angle by the east side of Hyndman's village to East Street and continued to South Street on the east, and by a line drawn from the south-east corner of South Street to the south wall of the Wesleyan burial ground, including August Town, and continued to the sea on the south, and by the harbour on the west.

Construction of terms : "Lands" and "premises ;" "Owner ;"

"Road ;"

"Notice in writing ;"

"City of Saint John."

2. The Governor shall appoint by warrant under his hand and seal seven persons, one of whom shall be a member of Council, and two members from the

Constitution of board.

Assembly, who shall constitute a board for superintending the execution of this Act, which board shall be called the Board of Health.

Removal of persons from board.

3. The Governor may from time to time remove all or any of the persons so appointed by him and appoint others in their stead.

Three members to form quorum.

4. The powers and duties vested in and imposed upon the said board by this Act may be exercised and performed by any three members thereof, who shall be and form a quorum for all the purposes of this Act; and in case any vacancy shall occur in the said board the continuing members may act as if no such vacancy had occurred.

Board may appoint subordinate officers.

5. The said board may from time to time appoint and remove such officers and servants as they may deem necessary for enabling them to perform the duties of the board, and such officers and servants shall receive such remuneration for their respective services as shall be recommended by the said board and approved of by the Governor and Council and Assembly.

Governor to appoint secretary.

6. The Governor shall have power to appoint a fit and proper person to be their "secretary" to attend their meetings, and take and keep minutes of their proceedings, and to do and perform such other acts and things as may be required of him, and the person so appointed shall be allowed a salary at the rate of fifty pounds *per annum*.

Times and places of meeting of board.

7. The said board shall assemble at the Court House for the transaction of business at least once in every month, with power to adjourn and for the chairman or any two members to call special meetings, as may be deemed necessary; and the said Board shall at their first meeting under this Act and afterwards from time to time when so required by this Act appoint one of their number to be chairman for one year at all meetings at which he is present, and in case the chairman so appointed shall be absent from a meeting at the regular hour the members present shall appoint one of their number to act as chairman at such meeting; and in case the chairman appointed as first aforesaid shall die or resign or be dismissed or become incapable of acting, another member shall be appointed in his place, but only for the remainder of the term during which he would have been entitled to remain in office.

Board to frame regulations, which when approved by Council and Assembly and confirmed by Governor shall have force of law.

8. It shall be lawful for the said board to frame general and particular rules and regulations to secure cleanliness and promote the health of the inhabitants of this Island and for preventing the spread therein of any epidemic, endemic, contagious, or infectious disease, or for mitigating the violence thereof if the same should prevail, and from time to time to alter and amend all or any of such rules and regulations and to substitute others in their stead; the said rules and regulations and amendments shall be submitted by the said board to the Council and Assembly for their approval and to the Governor for his confirmation, and when they shall have been so approved and confirmed the said rules and regulations shall be published by the said board for general information in one or more of the newspapers of this Island, and after such publication the said rules and regulations shall have the force and operation of law.

Post, p. 679.

Penalties for not complying with regulations,

9. Whosoever shall violate or fail to comply with the said rules and regulations or any or either of them, published as aforesaid, shall be liable to a penalty not exceeding one hundred pounds.

and for obstructing officer in execution of his duty.

10. Whosoever shall obstruct any officer or person employed in the execution of any duty imposed by this Act, or by the rules and regulations of the said Board of Health, shall be liable to a penalty not exceeding twenty-five pounds.

Streets of city, towns, and villages to be under control of board.

11. The streets and other passages of the city of Saint John and the towns and villages of said Island shall be under the management and control of the

said board, who shall take care that all dirt, rubbish, filth, dung, and soil be duly removed from the said streets and passages.

12. The said board shall have the general charge, management, and control of the streets, lanes, alleys, and passages of the city of Saint John for the purpose of the formation, repair, and preservation of the same. [All and singular the powers vested in the Commissioners of Roads by the "Road Act" in regard to the roads or highways, except the powers contained in the seventh, eighth, and fifteenth sections of the said "Road Act," are hereby vested in the Board of Health in regard to the streets, lanes, alleys, and passages of the city of Saint John, and when the words "roads or highways" are mentioned in the said "Road Act," the same shall be understood as of the streets, lanes, alleys, and passages of the city of Saint John in regard to this Act; and any person who shall molest, threaten, or oppose, or interfere with the said Board of Health, or any of their officers or servants, while in the discharge or execution of their duty under or in relation to the powers and authorities hereby conferred upon and given to the said Board of Health, shall be liable on conviction before a police magistrate to a fine or penalty not exceeding ten pounds, and in default of payment of such fine or penalty and costs (if any) within such time as the convicting magistrate may order may be committed to the common gaol, there to be imprisoned, with or without hard labour, for any period not exceeding thirty days, unless such fine or penalty and costs (if any) be sooner paid.]

Streets of the city of St. John placed under control of board.

No. 196.

Amendment by Act dated 29th July; left to its operation by Order in Council dated 30th Nov. 1864.

Certain powers vested in road commissioners in regard to highways to be vested in regard to streets of Saint John in Board of Health.

Penalty for obstructing board of health or its officers.

13. From and after the expiration of one calendar month from the publication of this Act, no hog, sow, or pig shall be kept within the city of Saint John except such as have been found trespassing and are secured in the public pound, and any person who shall keep any hog, sow, or pig shall be liable to a penalty not exceeding five pounds for every such hog, sow, or pig found in his possession; and whosoever in any town, village, or plantation shall keep any hog, sow, or pig, or any sty of thereof, in such a manner as to be a nuisance to any person, shall for every such offence be liable to a penalty not exceeding two pounds; except always it shall be lawful for animals brought to the city for the purpose of being slaughtered to be kept for a period not exceeding forty-eight hours in the said city, and also in case of any animals being imported into this Island that the said importer or consignee shall be allowed a period not exceeding forty-eight hours to effect a sale or removal of such animals.

No swine to be kept in city.

14. The said Board of Health shall see and provide that all slaughter-houses and places used as such within this Island be kept in a cleanly and wholesome state so as not to be a nuisance or injurious to health; and for this purpose any one or more of the said board or of their servants shall be at liberty from time to time at reasonable hours to enter and examine the said slaughter-houses, or places used as such, and if the same are in such a state as to be a nuisance or injurious to health it shall be lawful for the said board to give notice in writing to the person occupying the premises requiring him within a reasonable time to be therein specified to abate the nuisance, or to keep the said premises in such a state as that the same shall not be prejudicial to health; and if such notice shall not be complied with such occupier as aforesaid shall be liable to a penalty not exceeding twenty shillings for every day during which he shall fail to comply with such notice, and the said board may, if they think proper, execute the work themselves, and the expenses incurred by them in so doing shall be recoverable in a summary manner herein-after provided.

Slaughter-houses placed under superintendence of board.

15. Any authorized servant of the said board is empowered at all reasonable times to enter into and inspect any shop, building, stall, or place, kept or used for the sale of any butcher's meat, poultry, or fish, or any other article of human

Secretary of board may inspect shops, &c. and examine articles intended for

human food and seize same if bad.

food, milk, or cheese, rice, flour, potatoes, or any other vegetables used as food, or any spirituous or fermented liquors which may be therein, and to examine the same, and in case any of the matters so examined appear to him to be intended for sale as food for man and to be unfit for such food, the same may be seized, and if it appear to a police magistrate that the articles so intended for sale as human food are unfit for such food, he may order the same to be destroyed, and the person to whom the condemned goods belong or in whose custody the same are found shall be liable to a penalty not exceeding five pounds.

Dwelling-houses to be provided with privies.

16. The owner of every dwelling-house in the city of Saint John or in the towns of the said Island shall provide the same with a convenient privy, and if it shall be proved to the satisfaction of the board that any dwelling-house in the city or in the towns, in whose yard there is sufficient space for the construction of such a necessary convenience, is not provided with the same, it shall be lawful for the said board to give notice in writing to the owner or occupier of the said dwelling-house requiring him after a reasonable time to be specified in the said notice to have a suitable privy erected, and if such notice shall not be complied with the person to whom it is given shall be liable to a penalty not exceeding five shillings for every day during which he shall fail to comply with such notice.

Privies becoming nuisances.

17. All privies and other the like conveniences in the city of Saint John or in any of the towns or villages of the Island shall be so constructed and kept as not to be a nuisance or injurious to health; and any servant of the board may by written authority of the chairman or any member of the board, (who is hereby empowered to grant such authority on the written application of any person showing that the privy or convenience in respect of which such application is made is a nuisance or injurious to health, but not otherwise,) and after twenty-four hours notice in writing to the owner or occupier of the premises to which such privy or convenience is attached, enter such premises and examine such privy or convenience, and if upon examination it appears to be in bad order or condition and to require alteration or amendment, or emptying or cleaning out, the said board shall cause notice in writing to be given to the owner or occupier of the premises requiring him within such reasonable time as shall be specified therein to alter and amend or clean and empty out the same, as the case may demand; and if such notice shall not be complied with the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day after the expiry of such reasonable time as aforesaid during which he shall fail to comply with such notice; and in the event of the person receiving such notice as aforesaid failing to comply with the requirements thereof within the time therein mentioned, the said board may, if they think fit, execute the necessary work or operation themselves, and the expense of so doing shall be recoverable in the summary manner herein-after mentioned; provided always, that every such emptying and cleansing out as aforesaid shall be transacted between the hours of ten at night and five in the morning.

Members of board, &c. may visit houses and premises.

18. Any member of the said board or any officer or servant with authority of a member of the said board may, with the view to ascertain the sanitary condition of the same, from time to time in the daytime at all reasonable hours with or without assistance enter into, visit, and inspect all houses, buildings, tenements, outhouses, and the grounds, yards, enclosures, and premises attached thereto within this Island.

Occupiers of premises and owners of uninhabited houses to keep them clean.

19. The occupier of any inhabited or the owner of any uninhabited house within this Island shall at all times keep the same and the grounds, yards, enclosures, and premises attached thereto clean and clear of filthy or decaying or offensive animal or vegetable matter, and in default thereof it shall be lawful for

the said board to give notice in writing to such occupier or owner, as the case may be, requiring him within a reasonable time to be therein specified to cleanse the same; and if such notice shall not be complied with such occupier or owner as aforesaid shall be liable to a penalty not exceeding ten shillings for every day during which he shall fail to comply with such notice; and in the event of such owner or occupier failing to comply with the requirements of such notice within the time therein named, the said board may, if they see fit, execute the cleansing required to be done, and the expense of so doing shall be recoverable in the summary manner herein-after mentioned.

20. If upon the certificate of any medical practitioner or justice of the peace it shall appear to the said board that any house or part of any house or any outbuilding is in so filthy or unwholesome a condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or any part thereof or of any outbuilding would tend to prevent or check infectious or noxious disease, the said board shall give notice in writing to the owner or occupier of such house or any part thereof or of any outbuilding to whitewash, cleanse, or purify the same; and if such owner or occupier shall fail to comply with such notice within the time specified therein, he shall be liable to a penalty not exceeding twenty shillings, and the board shall if they think fit cause such house or outbuilding to be whitewashed, cleansed, or purified, and the expenses incurred by them in so doing shall be repaid by the owner or occupier, and in default of payment the said owner or occupier shall be liable to a penalty not exceeding twenty shillings in addition to the amount of the expenses incurred by the said board, to be recovered in the summary manner herein-after mentioned.

On certificate of medical practitioner of necessity of whitewashing and purifying premises, board may require same to be done.

Penalty for non-compliance.

21. If the occupier of any premises shall prevent the owner thereof from obeying the provisions of this Act, any justice of the peace shall by order in writing require such occupier to permit the execution of the work required to be executed, the same appearing to such justice to be necessary for obedience to this Act, and if within a reasonable time the occupier refuse or fail to comply with such order he shall be liable to a penalty not exceeding five pounds for every day during which he continues to refuse or fail to comply with such order, and in all cases where both the owner and occupier of premises are required by this Act to execute any sanitary work of a permanent nature, if the occupier execute such work he shall be entitled to deduct from the rent of the same premises the expenses incurred by him in so doing; in all cases where both the owner and occupier of premises are required by this Act to execute any sanitary work of a temporary nature, if the owner shall execute such work he shall be entitled to treat the expenses incurred by him in so doing as rent, and recover the same from the occupier in the same manner in which rent is recoverable by law.

Penalty on occupier who shall prevent owner from performing sanitary work required of him.

22. Any sanitary work or operation which any person shall be liable to execute under the authority of this Act the said board shall execute at the public expense if the person liable to perform the same is destitute or without the means to perform the same, and they may provide lime or other purifying or disinfecting agent for the use of the house or privy of such person, and also a receptacle for the temporary deposit of the dust and rubbish accumulating on his premises, and generally enable him to comply with the provisions of this Act where such compliance would lead to expense.

When persons liable to perform sanitary work are destitute board may perform same.

23. It shall be lawful for the said board to provide temporary accommodation for the treatment of epidemic or contagious disease when extreme destitution or other special circumstances may render the removal of patients from their own habitation necessary, and also to provide temporary places of refuge

Board may provide temporary accommodation in case of epidemic disease.

for the destitute healthy during the prevalence of such diseases in particular localities.

Provisions against persons affected with leprosy found at large asking alms or washing in ponds, &c.

24. If any person afflicted with leprosy, by which is meant the disease called *elephantiasis græcorum*, shall be found at large asking alms or seeking prearranged support or bathing himself at any of the ponds of this Island, or wharves in or in the vicinity of the city of Saint John, or any town of this Island, it shall be lawful for any member or officer of the said board or justice of the peace to cause such afflicted person to be apprehended (and for this purpose it shall be lawful for any police officer to apprehend and convey any such afflicted person) and conveyed to the lazaretto, there to be kept, taken care of, and maintained at the public expense under the supervision of the poor law guardians: Provided that on satisfaction being given to the poor law guardians by the friends or relatives of any such person afflicted with leprosy so as aforesaid apprehended, conveyed to, and kept in the lazaretto, that such person shall not be again found committing or doing any of those acts or things for which he shall have been so as aforesaid apprehended, conveyed to, and kept in the lazaretto, such person shall be restored to the custody of such his friends or relatives.

No. 122.

Recovery of penalties.

25. In all cases in which the amount of any damages or costs or expenses is by this Act directed to be ascertained or recovered in a summary manner, the same may be ascertained by and recovered before any police magistrate, together with such costs of the proceedings as the said police magistrate may think proper; and if the sums adjudged be not paid by the party against whom the adjudication is made, the same may be levied by distress and sale of his goods and chattels by warrant under the hand and seal of the police magistrate making the adjudication, and any penalty imposed by or under the authority of this Act may upon proof on oath of the offence in respect of which the penalty is alleged to have been incurred be recoverable before any police magistrate, together with such costs of the proceedings as he may think proper; and if the sum or sums adjudged be not paid by the party against whom the adjudication is made, the same may be levied by distress and sale of his goods and chattels by warrant under the hand and seal of the police magistrate making the adjudication; and such police magistrate may order that any convicted offender be detained and kept in safe custody until return can be conveniently made to such warrant, unless he give sufficient security by way of recognizance or otherwise for his appearance on the day appointed by the return, such day not being more than eight days from the time of taking the security; and if before issuing such warrant or upon the return thereof it appear to the said police magistrate that no sufficient distress can be had, he may by warrant under his hand and seal cause the offender to be committed to gaol, there to remain for any term not exceeding three months, unless such penalty and costs be sooner paid: Provided always, that no such penalty be recovered unless proceedings for the recovery thereof shall have been commenced within six calendar months after the commission or occurrence of the offence upon which the penalty attaches.

Application of penalties.

26. All penalties which shall be recovered under this Act shall be paid to the Treasurer for the use of the Colony.

Police officers to aid and assist in carrying out provisions of this Act.

27. It shall be the especial duty of all police officers and constables to aid and assist in carrying out the provisions of this Act and in enforcing the rules and regulations of the said board, and to report any violation or non-observance of the said provisions, rules, and regulations to the inspector general of police for the information of the said board.

Provision for payment of expenses incurred under this

28. It shall be lawful for the Governor upon the requisition of the said Board of Health to draw upon the Treasurer for all costs, charges, and expenses which

shall or may be incurred under or by virtue of this Act: Provided always, that the amount to be expended shall not in any one year exceed the sum of fifteen hundred pounds in equal monthly payments. Act not exceeding 1,500*l.* per annum.

29. This Act may be cited as the "Health Act."

Short title of Act.

30. This Act shall be and continue in force for three years from the publication thereof and thenceforward to the next meeting of the Council and Assembly.

Duration of Act.

RULES AND REGULATIONS OF THE BOARD OF HEALTH.

Approved,

STEPHEN J. HILL.

1. All the sweepings of yards and streets, all decaying vegetables, and all excrementitious matters, except that which is contained in properly-constructed privies, shall be removed to the places appointed for their deposit. In the city of Saint John this work shall be performed daily by the public scavenger, the occupiers of houses being required to afford him every facility for so doing; and in the towns and villages of this Island it shall be performed by the occupiers of the premises in such towns and villages respectively.

2. All accumulations of earth or rubbish, and all shavings occasioned by the building or repair of houses, and all broken glass or earthenware, shall be removed by the owner or occupier of the premises to the places appointed for their deposit.

3. It shall not be lawful to exercise any trade or calling in the public streets by which the channels or gutters may be obstructed, as by the lodgment of casks, drays, carts, carriages, or any other substance or thing; and all coopers, carpenters, and wheelwrights within the city shall keep their workshops and premises free from accumulation of decaying shavings and other rubbish.

4. All foul stagnant ditches, pools, or gutters in the neighbourhood of dwelling-houses and all offensive lees-ponds shall be filled up or drained.

5. It shall not be lawful to wash foul linen or other clothes in or on the brink of any running stream or ponds used as reservoirs of water for drinking and cooking purposes, or in any other way to render such streams, ponds, or reservoirs foul and unwholesome.

6. All rank weeds, grass, or shrubs, prickly pears, daggers, and penguin bushes growing so near human dwellings as to obstruct the free circulation of air and create dampness shall be cut down and removed when so ordered by the chairman of the Board of Health, due regard being had for trees planted for ornament and shade.

7. It shall be the duty of the inspectors of nuisances to see that the provisions of the several Acts of this Island for regulating the number of cisterns to be attached to the several plantations and dwelling-houses in the said Island and for keeping up a due supply of water therein are duly complied with, and to report to the proper authorities any breach of the same. Nos. 36, 39.

8. It shall be the duty of the inspectors of nuisances to report immediately to the chairman of the Board of Health the occurrence of any case of small-pox, diarrhoea, cholera, yellow fever, or any disease of any infectious or contagious character which they may discover in their respective districts.

9. It shall not be lawful for any person to keep any horse, mule, or ass affected with glanders or any similar disease of a contagious nature, and it shall be the duty of the inspectors of nuisances to report immediately to the chairman

of the Board of Health the occurrence of any suspicious symptoms of glanders, or any similar disease of a contagious nature, in any horse, mule, or ass, and if by the certificate of any two or more qualified veterinary surgeons or medical practitioners it shall appear that such disease actually exists the chairman shall have power to order the animal so affected to be immediately destroyed.

10. It shall be the duty of the inspector of nuisances to see that the provisions of the Vaccination Act are strictly carried out, and more especially to report the cases of all children born after the 1st August 1862 whose parents or guardians may be found unprovided with a certificate of vaccination.

11. That it shall be the duty of the Board of Health to keep up a supply of vaccine lymph for the public use.

St. John's, Antigua, 21st October 1863.

G. W. WESTERBY,
Chairman, Board of Health.

House of Assembly, 5th November 1863.

Approved,
OLIVER NUGENT,
Speaker.

Board of Council, 5th November 1863.

Approved,
By command,
EDWIN D. BAYNES,
Clerk of the Council.

Published,
JAMES B. THIBOU,
Provost Marshal.

No. 199.

AN ACT for the Government of the Common Gaol.

[Dated 24th October 1863; Left to its operation by Order in Council dated 7th April 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Common gaol.

Governor in Council
to establish regula-
tions subject to
Imperial Act 1 & 2
Vict. c. 67.
Post, p. 686.

Rules binding on
officers and prisoners.

Provost marshal to
have general super-
intendence.

Officers of establish-
ment.

1. The building and premises occupied as the common gaol shall continue to be the common gaol of this Colony.

2. The Governor in Council shall have power to establish rules and regulations for the government of the said establishment, and for the conduct and duties of the officers, and for the diet, clothing, maintenance, employment, discipline, and punishment of the prisoners, subject always to the provisions of the Act of Parliament, first and second Victoria, chapter sixty-seven, for the better government of prisons in the West Indies.

3. Such rules and regulations shall be binding on the officers and prisoners and shall apply to all prisoners, not only whilst in prison but when working on any roads or public works, and whilst being taken from prison to be employed thereon, and whilst being taken back therefrom to prison.

4. The said establishment shall be under the superintendence, management, and direction of the provost marshal of the Island, subject always to such regulations as aforesaid.

5. The establishment shall consist of the following officers; that is to say, a chaplain, medical practitioner, keeper, superintendent of convicts, assistant

superintendents of convicts not exceeding four, turnkeys not exceeding two, one gate porter, and a matron, with such nurses and hospital attendants as shall from time to time be required.

6. The chaplain, medical practitioner, and keeper shall be appointed by the Governor and shall hold their respective offices during his pleasure; and the subordinate officers of the establishment shall be appointed and removed by the provost marshal, subject to the approval of the Governor. Appointment of officers.

7. The following salaries shall be paid to the respective officers; that is to say, to the chaplain the sum of fifty pounds *per annum*; to the medical practitioner the sum of one hundred pounds *per annum*; to the keeper the sum of one hundred and eighty pounds *per annum*; to the superintendent the sum of sixty pounds *per annum*; to each assistant superintendent the sum of forty-five pounds *per annum*; to the matron the sum of forty pounds *per annum*; to each turnkey the sum of thirty pounds *per annum*; and to the gate porter the sum of thirty pounds *per annum*. Salaries of officers.

8. The provisions required for victualling the prisoners shall be provided by contract after public advertisement, and the accounts shall be audited and allowed as other accounts against the public. Vicualling of, and prisoners.

9. The provost marshal shall on the first day of every month submit to the administrative committee a full statement of the expenses incurred for the establishment during the last preceding month, and the amount which shall be allowed, audited, and passed by the administrative committee for such expenses shall be paid on the warrant of the Governor directed to the Treasurer. Audit and payment of expenses.

10. The male officers of the establishment shall be and are hereby declared to be constables for the Island generally so long as they shall continue to hold their several offices and no longer, and shall be respectively provided at the public expense with a staff similar to that used by the officers of the police, and shall wear such plain uniform or be distinguished by such badge as the Governor shall direct. Male officers ex officio constables.

11. If any officer or other person, except for a lawful purpose and with the written authority or licence of the provost marshal, bring into the common gaol or convey to any prisoner within or without the walls of the gaol, or attempt so to do, any spirituous or fermented liquors, he shall for every such offence be liable to be punished as in the next succeeding section of this Act is mentioned. Penalties for introduction of spirituous liquors.

12. If any officer or other person, except for a lawful purpose and with the authority or licence of the provost marshal, bring into the prison or throw into it or convey or attempt to convey to any prisoner within or without the walls of the prison any tobacco, money, clothing, provisions, liquors, letters, papers, books, or other articles not expressly allowed by the regulations of the prison to be in the possession of a prisoner, or (by desire of any prisoner) shall carry any of such articles out of the gaol, he shall for every such offence be liable to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for a period not exceeding two calendar months; and every such offender may be apprehended and taken before a police magistrate, by whom the case shall be heard and determined in a summary way. Penalties for introduction of prohibited articles.

13. If any person shall without leave or lawful cause speak to or interrupt any prisoner while at work beyond the gaol, or in going to or returning from such work, he shall on conviction thereof before a police magistrate be liable to be punished as in the last preceding section is mentioned. Penalties for interrupting prisoners at work.

14. If any person assault or violently resist any officer in the prison in the execution of his duty, or aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable on summary conviction Punishment for assaulting any officer of gaol.

before a police magistrate to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for a period not exceeding two months, or if the offender be a prisoner he shall for every such offence be liable on conviction before such magistrate to any punishment herein-after authorized to be inflicted by any such magistrate for wilful breach of prison discipline, or such magistrate in his discretion may abstain from adjudicating on the complaint and direct such prisoner to be prosecuted, in which case the offender shall be liable on conviction to be imprisoned with or without hard labour for any time not exceeding one year.

or for escape or attempt to escape.

15. Every prisoner who breaks prison or escapes during the time of his conveyance to or from the prison, or whilst on his way to or from any road or public work, or during the time of his employment thereon, shall be liable on conviction to be imprisoned with or without hard labour for any term not exceeding two years, and any prisoner who attempts to break prison or escape as aforesaid or forcibly breaks out of the cell or other place in which he is confined, or makes any breach therein with intent to escape, shall on conviction thereof be liable to be imprisoned with or without hard labour for any period not exceeding one year.

For rescue or promotion of rescue.

16. Every person who rescues or attempts to rescue a prisoner during the continuance of his sentence to be imprisoned, and every person who aids in such rescue or attempt to rescue, shall be liable on conviction to be imprisoned with or without hard labour for any term not exceeding three years.

For supplying means of escape.

17. Every person who supplies any arms, tools, or instruments, or any means of disguise to facilitate the escape of a prisoner, or who in any other manner assists any prisoner to escape or attempt to escape, whether an escape be actually made or not, shall be liable on conviction to be imprisoned with or without hard labour for any term not exceeding two years.

Wilfully permitting escape,

18. Every person having the custody of a prisoner who shall knowingly and wilfully allow him to escape shall be liable on conviction to be imprisoned with or without hard labour for any term not exceeding two years.

and for negligently permitting escape.

19. Every person having the custody of a prisoner who through negligence or carelessness allows any such prisoner to escape shall be liable on conviction to fine and imprisonment at the discretion of the court.

Commencement of term of imprisonment of prisoners under this Act.

20. Every term of imprisonment to which any prisoner is made liable under this Act shall be a term to commence from the expiration of any unexpired term of imprisonment to which such prisoner may have been sentenced, or if there have been more than one such term then from the expiration of the last such term.

Subordinate officers not to quit situation without notice.

21. No subordinate officer of the said establishment shall be at liberty to quit his situation without giving one calendar month's notice to the provost marshal of his intention to do so, unless by express permission from the said provost marshal, and any officer so leaving his situation without having given such notice or obtaining such permission shall on conviction before a police magistrate be liable to a fine not exceeding ten pounds, or in default of payment to be committed to the common gaol for any time not exceeding thirty days.

Offenders liable to be committed to house of correction to be committed to common gaol.

22. In all cases in which an offender is by any Act liable to be committed to the house of correction it shall be lawful for the court or police magistrate before whom the offender shall be convicted to commit such offender to the common gaol.

Visiting justices may sentence prisoners to solitary confinement not exceeding 30

23. On complaint made before the visiting justices of disorderly conduct or wilful breach of prison discipline on the part of any prisoner it shall be lawful for such justices or any three of them to hear and determine such complaint,

and to sentence the offender to solitary confinement for any term not exceeding thirty days, or if a male to sentence such offender to be punished by such confinement, or by whipping, not exceeding thirty-nine stripes; provided that the sentence of whipping shall not be carried into execution until reported to and sanctioned by the Governor, who may either lessen the number of stripes which such prisoner is sentenced to receive, or may commute the same to solitary confinement not exceeding thirty days.

days, or male prisoners to whipping.
No sentence of whipping to be executed until sanctioned by Governor, who may commute same.

24. The last preceding section shall not affect the power of the Governor in Council to make rules for the discipline and punishment of the prisoners; but no punishment of solitary confinement exceeding seven days, or of whipping, shall be inflicted without the order of the said visiting justices or any three of them.

Not to affect power to make rules.
Solitary confinement; whipping.

25. It shall be lawful for the Governor to cause any sick or diseased prisoner to be removed from the common gaol to any public hospital or other place for medical treatment or to be there cared, and to be thence returned to the common gaol, and the time during which any such prisoner shall be in such hospital shall be counted part of the imprisonment under his sentence; and every such prisoner who shall abscond or attempt to abscond from such hospital or other place during his passing to or from such hospital may be arrested without warrant by any constable and taken to the common gaol, and such prisoner shall be liable to be punished as in the fifteenth clause of this Act is provided with respect to prisoners breaking prison, or escaping or attempting to break prison or escape.

31
Governor may cause sick or diseased prisoners to be removed to public hospital or other place for treatment of case.
Escape of prisoner therefrom to be deemed escape from prison.

26. In the case of an offender whose age does not exceed sixteen years, the number of strokes at any whipping shall not exceed twenty-five, and the instrument used shall be a birch or tamarind rod, and in every case of whipping the convicting magistrates shall in their sentence specify the number of strokes to be inflicted and the instrument to be used.

Punishment of whipping.

27. All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within three calendar months after the fact committed and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before such action is commenced, and in any such action the defendant may plead the general issue and give this Act or the regulations of the prison so enacted as herein-before provided and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action was brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or shall discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be had shall certify his approval of the action and of the verdict obtained thereupon.

Liabilities of suits for things done under this Act.

Notice of action.

Pleadings.

Tender of amends.

Costs.

28. The keeper of the common gaol shall on his appointment and before entering upon the duties of his office give a bond with two good and sufficient sureties to the provost marshal and his successors in office in the penalty of two hundred pounds in the following condition, that is to say :

Keeper to give bond.
No. 33, s. 7.

the conduct of the officers, and on any alterations in the system of discipline which experience may have suggested as being desirable and proper, more especially such as may require expense to be incurred in carrying them into effect.

4TH.

The board shall have the opportunity of seeing at their monthly meetings all prisoners then in confinement, in order to receive any complaint or other application which the latter may have to make to them.

5TH.

All books kept by the keeper of the prisons shall be laid before the board of visiting justices at their monthly meeting for inspection.

6TH.

The board of visiting justices will keep a book, to be called "The Visiting Justices Minute Book," in which are to be entered all visits and observations made by them, either individually or collectively; the minutes of each meeting to contain the names of the justices present and to be signed by the chairman; the minute book to be kept in the prison.

7TH.

The visiting justices will attend to any report in writing which any of them may receive from the keeper, the chaplain, or the surgeon, as to the case of any particular prisoner whose mind or body may be likely to be injuriously affected by the discipline or treatment to which he or she is subjected by the regulations of the prison; and the board will give such directions thereon as they may deem expedient, not extending to the discharge of such prisoners, reporting the same as speedily as possible to the Governor for his sanction and approval.

8TH.

The visiting justices will cause such of the regulations as relate to the treatment and conduct of the prisoners to be printed in large characters and to be fixed up in conspicuous parts of the prison so that every prisoner may have access to them.

9TH.

The board of visiting justices may impose a fine not exceeding one half of a month's pay upon any officer of the prison for negligence or misconduct in the discharge of his duties, such fine to be deducted from the pay which may be due or become due to such officer.

10TH.

A member of the board of visiting justices may see any prisoner who has been committed to close confinement, and may hear or receive any representation from him or her as to his or her treatment and inquire into the same, but he should not hold any conversation with him or her on any subject unconnected therewith.

11TH.

Any justice of the peace in the Island may visit the prisons at reasonable hours and make any remarks which he may think proper in the visiting justices,

minute book for the consideration of the board, signing his name and affixing the date of his visit thereto.

OF THE PROVOST MARSHAL.—(See also Rule 70.)

12TH.

Whenever the provost marshal shall receive from the officer in charge of any prison a report of punishment for breach of regulations having been inflicted on any prisoner he shall return it with his decision recorded thereon to the officer, by whom it shall be lodged in the office of the provost marshal, and if the officer in charge shall consider the circumstances to be of a nature calling for the immediate personal attendance of the marshal, it shall be so stated distinctly in writing on the report.

13TH.

The provost marshal shall be empowered to order the infliction of any of the punishments prescribed by the regulations on prisoners convicted of the offences against the discipline and good order of the prison for any term not exceeding seven days: Provided always, that where confinement in the stocks shall be ordered it shall be understood to mean for a period not exceeding eight hours *per diem*, the prisoner during the intervals being in close confinement on bread and water diet; and provided, moreover, that it shall be lawful for the provost marshal at any time when he shall deem it necessary to call a meeting of the board of visiting justices to investigate a special case of violent or refractory conduct, and the magistrates so assembled may order the infliction of any of the punishments mentioned in Rules 70 and 71.

14TH.

In the event of the provost marshal receiving a report from the keeper complaining of the insufficient quantity or bad quality of the provisions supplied by the purveyor or contractor the provost marshal shall call to his aid the surgeon, and they shall decide on such complaint, and their decision shall be binding on the contractor, subject to an appeal by him to the visiting justices, whose determination shall be final.

OF THE KEEPER.

15TH.

The keeper shall reside within the prison buildings in apartments to be allotted for that purpose; he shall not follow any trade or other occupation, and he shall not derive directly or indirectly any emolument or benefit, pecuniary or otherwise, for the supplies furnished for the use of the prisoners; he shall not employ in his private service any prisoner on any pretext whatever, nor shall he allow any prisoner to be employed by any officer for any private purpose; he may with the permission of the visiting justices keep poultry in one of the west yards of the gaol; he shall not on any account absent himself from the prison without the express permission of the provost marshal, unless summoned to appear before the Governor or some legislative or judicial authority.

16TH.

The keeper shall not on any account or under any pretext whatever receive or permit to be received for him any fee or perquisite whatsoever, pecuniary or otherwise, from any prisoner or the friend of such prisoner.

17TH.

The keeper shall not on any account permit or connive at the introduction into the prison for the use of any prisoner of any wines, spirits, fermented liquors, tobacco, or snuff, or other articles prohibited by the regulations, except where a written order shall be given by the surgeon for the receipt of such articles as aforesaid for the use of any sick prisoner under his care, or in cases specially excepted by these regulations.

18TH.

The keeper shall examine or cause to be examined in his presence every male prisoner admitted into the prison, and shall take from him all money, knives, or other implements and articles capable of being used contrary to the regulations, entering the same correctly under the proper date in a book to be kept, and called "The Prisoners' Property Book."

19TH.

The keeper shall read or cause to be read over to each prisoner on his or her admission those clauses of the regulations which relate to their conduct, to the discipline of the prison, and the punishments to which they are subject on any infringement of them or for escape.

20TH.

The keeper shall personally visit and inspect every ward and cell wherein male prisoners are confined at uncertain times and at least twice in every twenty-four hours.

21ST.

The keeper shall keep the following books, viz. :—

1. A journal and order book.
2. A register of names, description, offences, &c. of prisoners according to the form now in use.
3. A register of commitments.
4. A register of all public property belonging to the prison.
5. An account of all fines and penalties paid by prisoners.
6. A prisoners' property book.
7. A visitors' book.
8. A petty disbursement book.

22ND.

The keeper is authorized and required to take immediate cognizance of all complaints arising out of occurrences within the prison or amongst the prisoners, and is more especially to punish and repress disobedience of the rules, assaults, and other disorderly conduct, abusive or profane language, improper behaviour during divine service, idleness or neglect of work, and wilful injury or destruction of tools and implements or materials of work, by putting any prisoner offending into the stocks or irons.

23RD.

The keeper shall report to the provost marshal within two hours the occurrence of any case wherein it may have become necessary to inflict punishment on any prisoner for breach of the prison regulations, and generally any circum-

stance of an unusual nature which may happen in the prison. In the occasional absence of the provost marshal the report may be made to one of the visiting justices, who is hereby authorized to give such instructions as the nature of the case may seem to require, pending the return of the provost marshal.

24TH.

The keeper shall report to the provost marshal and to the coroner without the least delay any death which may occur in the prison, in order that an inquest may be duly held; and no officer of the prison shall on any account serve on such jury.

25TH.

The keeper shall inspect the supplies of provisions furnished by the purveyor or contractor, and shall immediately report to the provost marshal any instance in which he may find them to be deficient or otherwise objectionable either in quantity or quality.

26TH.

The keeper shall take all possible care and shall be held responsible that no prisoner receives any article, whether of provisions, clothing, or of any other description, not permitted by the regulations.

27TH.

The keeper is to afford such advice and assistance as may be necessary to enable prisoners to forward petitions to any authority.

28TH.

The keeper is to take care that the rooms, cells, and passages of the prisons are kept clean by daily sweeping, that they are washed once in each week, or oftener if necessary, and that the walls are scraped and limewashed at least once in each month.

MATRON.

29TH.

The matron is to reside in the prison and be under the directions of the keeper; she is to have the care and superintendence of the whole female department and enforce upon the female prisoners the observance of the prison rules. With respect to her general conduct, she will conform to the rules laid down for that of the keeper, as far as they can be applied to the treatment and care of female prisoners. She may with the permission of the visiting justices keep poultry in one of the west yards of the gaol.

30TH.

She shall unless unavoidably prevented attend the keeper whenever he visits the females in prison, and when so prevented she shall be responsible that some female officer attends him, or if there is no female officer, some female (not being a prisoner) to be employed for such purpose, and the employing her is to be stated in the keeper's journal and reported to the visiting justices or the provost marshal, and shall especially take care that no male officer or visitor enters the females' prison unless accompanied by herself or by some other female officer, or some female (not being a prisoner) to be employed for such

purpose, and the employing of her is to be stated in the keeper's journal and reported to the visiting justices or provost marshal.

31ST.

She shall be present at the distribution of meals to the female prisoners and daily visit every part of the prison appropriated to females, inspect the bedding, clothing, and food of the female prisoners, and see every female prisoner at least twice in every twenty-four hours; in the event of her omitting any of these duties she is to insert the omission and the cause in her journal.

32ND.

She shall keep a journal for recording occurrences of importance within her department, reports made by her to the keeper, and punishments of female prisoners, and lay the journal before the visiting justices at their ordinary meetings.

33RD.

She shall make a daily written report to the keeper at some stated time fixed by him of the general condition and conduct of her department, of the names of female officers and prisoners absent from chapel and the cause thereof; of the names of female prisoners in the infirmary, or under medical treatment in their own cells or wards, or wanting to see the surgeon, and the names of such as are under punishment.

34TH.

She shall attend divine service with the prisoners unless prevented by some duty or other sufficient cause, inserting the omission and cause thereof in her daily report to the keeper in her journal.

35TH.

She shall not absent herself from the prison without the permission of the provost marshal; during her absence she is to give charge of the female department to such other female officer, or if there is no other female officer, to such other female (not being a prisoner) as the keeper shall approve, and the name of the substitute is to be inserted in the matron's journal and reported to the visiting justices or provost marshal.

36TH.

She or a female officer in her presence shall search every female prisoner on admission, and the same course shall be pursued by her with reference to female prisoners as that prescribed for the keeper with reference to male prisoners. All money or effects brought into the prison, on admission, by any female prisoner or from time to time sent in for her use and benefit shall be transferred to the keeper, and dealt with as directed by rule 18.

37TH.

Whenever she thinks it necessary or when directed by the keeper she shall search any female visitor to prisoners, the search to be in the presence of the females only.

38TH.

She shall read or cause to be read to every female prisoner, on admission, such of the rules as relate to the conduct or treatment of prisoners, and once in every three months repeat the same.

39TH.

She shall superintend the work performed by female prisoners, see that the female prisoners committed to hard labour are constantly employed during the appointed hours of labour in such labour or employment as may be directed by the visiting justices; she shall as far as practicable provide employment for other convicted female prisoners, and also for prisoners before trial who may be willing to be employed, and shall keep a record of the clothes made and the issue thereof.

40TH.

She shall have charge of the prison clothing, bedding, and linen; and if required, assist in the purchase of any articles required for her department, and shall report from time to time to the keeper any deficiencies of the stock requisite for carrying on the prison work in her department.

OF THE SUBORDINATE OFFICERS.

41ST.

The subordinate officers shall strictly conform to the rules prescribed for their guidance; they shall obey the lawful commands of their superior officers in every respect, and assist by all means in their power in maintaining order and discipline in the prison.

The superintendent of convicts may with the permission of the visiting justices keep poultry in one of the west yards of the gaol, but no non-resident officer shall have that privilege.

42ND.

They shall not absent themselves from the prison without leave from the keeper.

43RD.

They shall not be permitted to receive any visitors in the interior of the prison without permission from the keeper.

44TH.

They shall count the prisoners at locking and unlocking time and shall report to the keeper the numbers present each time.

45TH.

They shall daily examine the state of the cells, furniture, locks, and other fastenings as soon as the prisoners leave the cells in the morning, and shall seize all prohibited articles which they may find and deliver them to the keeper.

OF THE CHAPLAIN.

46TH.

The chaplain shall perform divine service within the prison on every Sunday and holiday to the prisoners assembled for that purpose, and shall also visit the

prisoners at such other time as he may think proper. A Sunday school shall be established within the prison, and such week-day instruction shall be given to the prisoners as the visiting justices shall approve or direct.

47TH.

The chaplain will pay especial attention to juvenile offenders, to prisoners in solitary and separate confinement, or under punishment in refractory or dark cells. He will visit frequently and more particularly afford his spiritual assistance to all prisoners under order for execution.

48TH.

If any prisoner is of a religious denomination other than the Established Church, a minister of such persuasion at the request of such prisoner shall be permitted to visit and afford him religious instruction at such times and under such regulations as the board of visiting justices may prescribe.

49TH.

The chaplain will enter in the visitors' book the date of every visit made by him to the prison.

OF THE SURGEON.

50TH.

The surgeon is required to visit the prison once in each day, and more frequently if the case of any prisoner or prisoners shall require it; he is to report to each Court of Queen's Bench the condition of the prison and the state of health of the prisoners. He will keep a prescription book in which is to be entered in ink the date of each attendance; such book shall be laid before the visiting magistrates at their monthly meetings.

51ST.

He shall examine every prisoner brought into prison, and shall write in his journal the state of health of such prisoner.

52ND.

All prisoners shall be allowed as much air and exercise as the surgeon may direct.

53RD.

Prisoners under his care shall be allowed such diet and other necessities as he may direct.

54TH.

Every order given by the surgeon for the admission of spirits, tobacco, or any other article prohibited by the regulations shall be in writing and also entered in his journal.

55TH.

Whenever he shall have reason to believe that either the mind or body of a prisoner is likely to be injuriously affected by the discipline or treatment to which he or she is subjected, he shall report the case in writing to the visiting

justices, and such visiting justices shall have power if they deem it necessary to convene a board of medical men for any further examination of the prisoner in question, accompanied by the necessary instructions for the treatment of such prisoner.

56TH.

No sick prisoner shall be discharged from prison unless at his own desire, or the surgeon shall certify that it may be done with safety.

57TH.

Whenever the surgeon is of opinion that the life of any prisoner is endangered by continuance in prison, the surgeon shall report such opinion and the grounds thereof to the provost marshal for the information of the governor.

58TH.

He shall attend any resident subordinate officer or servant of the prison who may be unwell, and shall report the nature of the illness to the provost marshal.

59TH.

He shall be authorized to direct a prisoner to be placed at lighter labour than that assigned to him under the regulations, if he shall be of opinion that it is proper to do so, and provided that such order and the grounds thereof are duly entered in his journal and communicated for the approval of the board of visiting justices.

GENERAL.

OF THE PRISONERS.

60TH.

All prisoners shall on admission be strictly searched by the keeper or an under-keeper, or if females by the matron or other female officer; all knives, sharp instruments, dangerous weapons, or articles calculated to facilitate escape shall be taken from them; all money and other effects brought with them or sent in for their use and benefit shall be taken care of by the keeper, who shall carefully record them in the prisoners' property book.

61ST.

Convenient places shall be provided for the prisoners to wash themselves, with a sufficient allowance of water, soap, and towels.

62ND.

For the purpose of health and cleanliness every prisoner's hair at the discretion of the provost marshal or surgeon shall be kept close cut.

63RD.

Every prisoner shall upon admission and discharge be allowed a due proportion of the daily allowance of food.

64TH.

Prisoners for debt or before trial may see their legal advisers without the presence of an officer, but the interview of all other prisoners with their friends

must be in the presence of either a male or a female officer of the prison, as the case may be.

65TH.

No prisoner shall be allowed to send or receive a letter or parcel without previous inspection by the keeper, who shall report to the provost marshal any case wherein he may think it right to prohibit such communication.

66TH.

No prisoner shall be employed in enforcing the discipline of the prison or in the service of any officer thereof, or in the service of any other prisoner.

67TH.

All prisoners shall regularly attend divine service unless prevented by illness, or permitted to be absent under the written order of the provost marshal or a visiting justice.

68TH.

The prisoners on leaving their cells to go to work, to chapel, to the airing yards, or to any other part of the prison, shall be attended by one or more officers, who shall cause perfect silence to be maintained.

69TH.

The prisoners are bound to obey the rules of the prison and the lawful orders of the keeper and other officers, and they are not to treat with disrespect any of the officers or servants of the prison or any person therein; they are not to be idle or negligent in their work, nor to be absent from divine service unless prevented by illness or excused; they are to behave properly during its performance, they are not to be guilty of swearing or indecent or disorderly conduct, nor to commit any kind of nuisances, nor wilfully to damage any part of the prison or any article or property therein.

OF PUNISHMENTS.

70TH.

The provost marshal may examine persons touching offences committed by the prisoners and determine thereupon, and may order any prisoner so offending to be punished as the case may deserve. The several punishments for prisoners are, close confinement in solitary cells, or in case of necessity in dark cells, bread and water diet, and confinement in leg or hand stocks; but neither of these punishments shall be continued for more than seven days except by order of a quorum of the board of visiting justices, who may authorize it in any special case for any term not exceeding thirty days; provided always, that the confinement in stocks shall not be inflicted for more than eight hours each day. In case of violent or refractory conduct a prisoner may be put in irons, but not for more than three days at a time without the sanction of a quorum of the board of visiting justices.

71ST.

In special cases of violent or refractory conduct on the part of any prisoner the visiting justices may direct the infliction of corporal punishment upon such offender within or without the prison walls to the extent of 39 stripes. This mode of punishment will be resorted to as sparingly as possible.

72ND.

Rescinded.

73RD.

A prisoner's earnings or money in the hands of the keeper shall be liable and may be applied towards the repair of any injury done by him wilfully to the prison or to the public property or any other property therein.

GENERAL DISCIPLINE.

74TH.

Any prisoner whose term of imprisonment would expire on a Sunday shall be discharged on the day next preceding.

75TH.

No games of any description shall be permitted within any part of the prison, and neither cards, dice, nor other implements of gaming shall be allowed to be introduced.

76TH.

No snuff or tobacco shall be used by any prisoner within or without the walls, and no prisoner shall be allowed to talk or converse with any fellow prisoner or other person without the walls.

77TH.

Clothing belonging to convicted prisoners shall be washed and carefully put by and marked to be re-delivered to them on their discharge with such other property as may belong to them.

78TH.

The general rule as to visitors to such prisoners shall be as follows—they shall not be permitted to see any relation or friend more than once in the course of every three months, unless in case of their serious illness; the day for the admission of visitors shall be regulated from time to time by the provost marshal.

OF PRISONERS COMMITTED FOR TRIAL OR FOR EXAMINATION.

79TH.

Prisoners of this class shall not be compelled to labour, but may at their own request be permitted to do the ordinary work of prisoners within the gaol, or may at their own expense procure any employment which the provost marshal may deem safe and proper; but nothing in this rule shall prevent the keeper from requiring prisoners of this class to make their own beds, and clean the walls, cells, yards, and passages of the division of the prison to which they belong, and in case of refusal they shall be liable to the punishments prescribed by the regulations; they shall be permitted to maintain themselves and to receive any bedding, clothing, or other necessaries, subject to a strict search, and under such regulation as the provost marshal may deem expedient in order to prevent luxury and extravagance in the prison. No part of their food or other articles shall be given, sold to, or exchanged with any other prisoner, and

on any transgression of this rule or of the other conditions annexed to the indulgence above specified, the provost marshal may withhold his sanction for such period as he may deem adequate.

80TH.

They shall not be entitled to the prison allowance of food on the days whereon they procure or receive food under the foregoing rule.

81ST.

Such prisoners shall be permitted to see their relations and friends on Saturdays between the hours of ten and two o'clock without an order, and at any other time on a week day by an order from the provost marshal or a member of the board of visiting justices.

CLASSIFICATION OF PRISONERS, CELLS, &c.

82ND.

The several wards, cells, yards, &c., within the prisons shall be appropriated to the several classes of prisoners, such wards, cells, and yards being marked with numbers and letters M. or F. according to the classes for whose use they are intended.

83RD.

There shall be a chapel so arranged that male and female prisoners may be effectually screened from each other, and so that the several classes of prisoners may be separated as far as practicable.

84TH.

Each cell shall be provided with suitable bedding, with night buckets and covers, and with other necessary conveniences.

85TH.

The prisoners in each prison shall be so confined as to prevent them from holding any intercourse or conversation with each other to the utmost practicable extent.

86TH.

The convicted prisoners shall be classified as under:—

1. Felons, including those whose capital sentences have been commuted.
2. Prisoners convicted of petty larcenies, malicious injury to property or person.
3. Prisoners convicted of vagrancy, breach of contract.
4. Prisoners convicted of assault and battery. Prisoners for non-payment of fines or for contempt, or any cause not before enumerated.
5. Prisoners under 16 years of age, according to the four previous classes.

87TH.

The same system to be applied so far as practicable to female prisoners.

88TH.

Prisoners for trial and debtors to be separately confined from convicted prisoners, and the juvenile offenders apart from the adults.

89TH.

All cells to be closed for the night at sunset, so far as convicted prisoners and prisoners under criminal charges are concerned; the rooms of debtors are to be locked at eight o'clock p.m.

90TH.

No light to be allowed in any cell, but debtors may have lights in their rooms until eight o'clock p.m., when they must always be extinguished, except in case of sickness of a prisoner.

91ST.

Convicted prisoners not sentenced to hard labour to be allowed from six o'clock to eight o'clock a.m., and from four o'clock to six o'clock p.m., for air and exercise in yards to be appropriated for that purpose; in the intervals they are to be confined in their respective cells.

PRISONERS SENTENCED TO HARD LABOUR.

92ND.

Prisoners above the age of fifteen years under sentence of the Court of Queen's Bench, or under commuted sentence, shall be confined in the south ward when not at work beyond the walls. Prisoners sentenced by a police magistrate and prisoners under the age of fifteen shall be confined in the northern ward when not at work beyond the walls.

93RD.

Male prisoners sentenced to hard labour may be employed in quarrying stone, or breaking up and repairing the roads, or in any other public work which may be recommended by the board of visiting justices and approved of by the officer administering the government.

Male prisoners who shall escape or attempt to escape may on recapture be worked when employed beyond the gaol with a light chain attached round the leg. Refractory and dangerous convicts to be subjected to the provisions of this rule.

94TH.

Females are not on any account to be employed beyond the walls of the prisons, but are to wash, make, and mend the clothing of the prisoners generally, to work and clean the yards and premises, or to break stones, or to be employed in any other manner sanctioned by the visiting justices and not repugnant to these regulations.

95TH.

Juvenile prisoners under the age of 16 years may be employed in agriculture on any estate immediately adjoining the city, but otherwise shall work only

within the walls at breaking stones and cleaning the yards, cells, and such parts of the prison as are occupied by male prisoners.

96TH.

The hours of labour shall be from sunrise until five o'clock, with an interval of half-an-hour in the forenoon for breakfast; dinner being served between five and sunset.

97TH.

List of tools, implements, and materials required for prisoners sentenced to hard labour shall be prepared from time to time by the keeper and submitted to the board of visiting justices, on whose approval they shall be procured in such manner as to the board shall seem meet.

98TH.

An account shall be also kept by the keeper of the value of the labour of the prisoners employed either as labourers or on any public work.

OF MISDEMEANANTS OF THE FIRST CLASS.

99TH.

Prisoners convicted of Misdemeanor, First Division.

No prisoner shall be placed in this division except by order of the judge or court before whom he is tried.

He shall be searched on admission by the keeper, who shall take from him any dangerous weapon, or articles to facilitate escape. The keeper shall restore to such prisoner any money and effects brought into the prison with him, and shall permit him to receive subsequently any money and effects, subject to examination, provided that such effects are not of an inconvenient, improper, or dangerous kind.

He shall be lodged in any convenient and suitable apartment that can be provided within the prison consistently with his safe custody, provided that he shall not be placed with any other class or division of prisoners.

He shall be permitted to wear his own clothing.

He shall be permitted to maintain himself and to receive at reasonable hours any food, clothing, or bedding, or other necessities, but subject to examination and under such limitation to be judged of by the provost marshal as may be requisite for preventing extravagance and excess.

He shall be permitted to see his friends in his apartment once in every month between the hours of nine in the morning and four in the afternoon; an officer of the prison shall be present at such visits unless his presence shall be dispensed with by an order in writing by the provost marshal; such officer shall be responsible that no prohibited, improper, or secret communication takes place between such prisoner and his friends, and he shall report to the keeper any attempt to evade this regulation.

100TH.

He shall be permitted to write and to receive letters or other papers, but before they are sent or received by such prisoner from any visitor or in any other manner they shall be examined by the keeper, who in the event of his deeming any such letter or paper to be improper shall withhold and forthwith lay the same before the provost marshal or one or more visiting justices, for their directions thereon.

He shall at his own expense be permitted the use of any books or newspapers which are not of an objectionable kind, to be judged of by one or more visiting justices or the provost marshal.

He shall be permitted air and exercise in the prison garden should there be one, or in a yard, either alone or with other prisoners of that division. In either case he shall be attended by an officer of the prison when deemed necessary.

101ST.

If any prisoner of this division be unable to maintain himself he shall be provided with the ordinary prison diet.

In case any prisoner of this division shall disobey, evade, or abuse any rules of the prison applicable to this division of prisoners, the matter shall be referred to any two or more visiting justices or the provost marshal, who may order if they shall think fit such prisoner to be punished as prescribed by the prison rules.

Prisoners convicted of Felony not sentenced to Hard Labour. Prisoners convicted of Misdemeanor of 2nd Division, and other convicted Prisoners not sentenced to Hard Labour.

102ND.

If convicted of felony he shall be clothed in the ordinary prison dress, and if a convicted misdemeanant he shall be clothed in the like prison dress.

He shall be employed on some work or labour not severe. He shall not be allowed any portion of his earnings, neither shall he receive any extra allowance in consequence of any work performed by him.

He shall not receive any food, clothing, or necessities other than the prison allowance, except under special circumstances, to be judged of by one or more visiting justices.

OF PRISONERS CONDEMNED TO DEATH.

103RD.

Every prisoner condemned to death shall be treated and dealt with in all respects in strict conformity with the provisions of the law already established within the said Island, so far as such prisoner shall come within the meaning of the said provisions, and if not, then every such prisoner shall be confined in some safe place within the prison apart from all other prisoners, and shall be allowed such a dietary as the visiting justices may direct, and air and exercise in some adjacent yard for a reasonable time every day. He or she may be visited

by his or her relations and legal advisers at his or her own request, and at seasonable hours. No other person shall have access to such prisoner, except the keeper or other officer of the prison, the chaplain, and surgeon, or if such convicts shall be of a religious persuasion differing from that of the Established Church, a minister of that persuasion attending at his or her request. If any person shall make it appear to a visiting justice or to the provost marshal that he has important business to transact with such convict, or that it is desirable to obtain information from him respecting any other felony, the provost marshal or such visiting justice may grant permission in writing to such persons to have a conference with the convict in the presence of the keeper.

104TH.

Every prisoner against whom sentence of death shall be recorded and every prisoner sentenced or ordered for transportation may be kept to hard labour if his or her health permit.

PRISONERS CONFINED FOR DEBT.

105TH.

Debtors are not to be subject to any further degree of rigour or restraint during their confinement than shall be found necessary for their safe custody, and for the good government, discipline, and cleanly state of the prison.

106TH.

They shall be permitted to maintain themselves and to receive any bedding, clothing, or other necessities, subject to a strict search and under such regulations as the provost marshal may deem expedient in order to prevent luxury and extravagance in the prison. No part of their food or other articles shall be given, sold to, or exchanged with any other prisoner, and on any transgression of this rule or of the other conditions annexed to the indulgence above specified the provost marshal may withhold his sanction for such period as he may deem adequate.

107TH

They shall be permitted to work and follow their respective trades and professions, provided such employment does not interfere with the good government of the prison.

108TH.

No preference or indulgence of any kind shall be shown or given to any prisoner in the debtors' ward without an order in writing from the provost marshal or from one of the visiting justices.

DIETARY.

109TH.

The dietary of prisoners shall be according to the scale mentioned in the diet table hereunto appended.

PRISON DIETARY.—VIDE RULE 109TH.

CLASS I.

PRISONERS EMPLOYED AT HARD LABOUR FOR TERMS NOT EXCEEDING TWELVE MONTHS.

MALES.		FEMALES AND CHILDREN UNDER 15 YEARS.
BREAKFAST daily	$\left\{ \begin{array}{l} \frac{3}{4} \text{ pint of hot water sweetened with sugar or molasses.} \\ 6 \text{ oz. bread.} \end{array} \right.$	$\left\{ \begin{array}{l} \frac{1}{2} \text{ pint of hot water sweetened with sugar or molasses.} \\ 6 \text{ oz. bread.} \end{array} \right.$
DINNER.		
Sunday - - -	$\left\{ \begin{array}{l} 12 \text{ oz. fungee.} \\ 4 \text{ oz. salt pork cooked.} \\ \frac{3}{4} \text{ pint lemonade.} \end{array} \right.$	$\left\{ \begin{array}{l} 10 \text{ oz. fungee.} \\ 3 \text{ oz. salt pork cooked.} \end{array} \right.$
Monday - - -	$\left\{ \begin{array}{l} 12 \text{ oz. corn meal made into fungee.} \\ 4 \text{ oz. salt fish cooked.} \\ \frac{3}{4} \text{ pint of lemonade.} \end{array} \right.$	$\left\{ \begin{array}{l} 10 \text{ oz. corn meal made into fungee.} \\ 3 \text{ oz. salt fish cooked.} \\ \frac{1}{2} \text{ pint of lemonade.} \end{array} \right.$
Wednesday - -	$\left\{ \begin{array}{l} 16 \text{ oz. sweet potatoes, yams, or eddoes.} \\ 4 \text{ oz. salt pork cooked.} \\ 1 \text{ pint pease soup.} \end{array} \right.$	$\left\{ \begin{array}{l} 12 \text{ oz. sweet potatoes, yams, or eddoes.} \\ 3 \text{ oz. salt fish cooked.} \end{array} \right.$
Saturday - - -	$\left\{ \begin{array}{l} 6 \text{ oz. bread.} \\ 1 \text{ pint pease soup.} \\ 12 \text{ oz. corn meal made into fungee.} \end{array} \right.$	$\left\{ \begin{array}{l} 3 \text{ oz. salt fish cooked.} \\ 4 \text{ oz. bread.} \\ 1 \text{ pint pease soup.} \\ 8 \text{ oz. corn meal made into fungee.} \end{array} \right.$
Thursday - - -		
Tuesday - - -		
Friday - - -		

CLASS II.

PRISONERS EMPLOYED AT HARD LABOUR FOR TERMS EXCEEDING TWELVE MONTHS.

MALES.		FEMALES AND CHILDREN.
BREAKFAST -	$\left\{ \begin{array}{l} 6 \text{ oz. bread.} \\ 1 \text{ pint of corn meal gruel.} \end{array} \right.$	$\left\{ \begin{array}{l} 6 \text{ oz. bread.} \\ 1 \text{ pint of corn meal gruel.} \end{array} \right.$
DINNER.		
Sunday - - -	$\left\{ \begin{array}{l} 14 \text{ oz. fungee.} \\ 4 \text{ oz. pork cooked.} \\ \frac{3}{4} \text{ pint lemonade.} \end{array} \right.$	$\left\{ \begin{array}{l} 10 \text{ oz. fungee.} \\ 3 \text{ oz. salt fish.} \\ \frac{1}{2} \text{ pint of lemonade.} \end{array} \right.$
Monday - - -	$\left\{ \begin{array}{l} 8 \text{ oz. fungee.} \\ 1 \text{ pint of soup.} \\ 1\frac{1}{2} \text{ lb. of potatoes or yams.} \end{array} \right.$	$\left\{ \begin{array}{l} 6 \text{ oz. fungee.} \\ 1 \text{ pint of soup.} \\ \frac{3}{4} \text{ lb. of potatoes.} \end{array} \right.$
Wednesday - -	$\left\{ \begin{array}{l} 4 \text{ oz. corn meal made into fungee.} \\ 1 \text{ lb. potatoes or yams.} \end{array} \right.$	$\left\{ \begin{array}{l} 6 \text{ oz. corn meal made into fungee.} \\ 1 \text{ lb. potatoes or yams.} \end{array} \right.$
Saturday - - -	$\left\{ \begin{array}{l} 4 \text{ oz. salt fish.} \end{array} \right.$	$\left\{ \begin{array}{l} 3 \text{ oz. salt fish.} \end{array} \right.$
Thursday - - -		
Friday - - -		

N.B.—The gruel to be made of 2 oz. corn meal to each pint.

The cocoa to be made of $\frac{3}{4}$ oz. cocoa to each pint, sweetened with $\frac{3}{4}$ oz. of sugar or an equivalent of molasses.

The soup to contain 2 oz. salt pork to each pint, with 3 oz. of potatoes or eddoes, 1 oz. of rice or corn meal or peas, with salt a sufficient quantity.

The bread to be common wheaten bread well baked.

CLASS III.

PRISONERS NOT EMPLOYED AT HARD LABOUR.

MALES.		FEMALES AND YOUTHS UNDER 15 YEARS.	
BREAKFAST -	$\left\{ \begin{array}{l} 6 \text{ oz. bread.} \\ \frac{1}{2} \text{ pint of hot water sweet-} \\ \text{ened with sugar or mo-} \\ \text{lasses.} \end{array} \right.$	$\left\{ \begin{array}{l} 4 \text{ oz. bread.} \\ \frac{1}{2} \text{ pint of hot water sweetened with sugar} \\ \text{or molasses.} \end{array} \right.$	
DINNER.			
Sunday -	$\left\{ \begin{array}{l} 8 \text{ oz. fungee.} \\ 4 \text{ oz. salt pork cooked.} \end{array} \right.$	$\left\{ \begin{array}{l} 8 \text{ oz. fungee.} \\ 3 \text{ oz. salt pork cooked.} \end{array} \right.$	
Monday -	$\left\{ \begin{array}{l} 10 \text{ oz. corn meal made} \\ \text{into fungee.} \end{array} \right.$	$\left\{ \begin{array}{l} 10 \text{ oz. corn meal made into fungee.} \end{array} \right.$	
Wednesday -	$\left\{ \begin{array}{l} 12 \text{ oz. corn meal made} \\ \text{into fungee.} \end{array} \right.$	$\left\{ \begin{array}{l} 10 \text{ oz. corn meal made into fungee.} \end{array} \right.$	
Tuesday -	$\left\{ \begin{array}{l} 3 \text{ oz. salt fish cooked.} \\ 8 \text{ oz. fungee.} \end{array} \right.$	$\left\{ \begin{array}{l} 3 \text{ oz. salt fish cooked.} \\ 8 \text{ oz. fungee.} \end{array} \right.$	
Friday -	$\left\{ \begin{array}{l} 8 \text{ oz. fungee.} \\ \frac{1}{2} \text{ pint pease soup.} \end{array} \right.$	$\left\{ \begin{array}{l} 8 \text{ oz. fungee.} \\ \frac{1}{2} \text{ pint of pease soup.} \end{array} \right.$	
Thursday -			
Saturday -			

110TH.

Prisoners in solitary confinement as punishment to be supplied daily with three quarters of a pound of bread or three quarters of a quart of ground corn made into fungee.

111TH.

Prisoners for trial or examination when they do not supply themselves with food are to receive the diet class 3, but when they elect to be employed at hard labour and are so employed they shall receive the diet class 1.

112TH.

The articles to compose the diet of the prisoners shall be supplied by a quarterly contract to be approved of by the administrative committee, and the contractor shall give bond himself in one hundred and fifty pounds and two sureties in seventy-five pounds each to Her Majesty, Her heirs and successors, for the due performance of the contract.

113TH.

The visiting justices may direct what articles of food shall be cooked within the gaol for the use of the prisoners.

114TH.

Proper scales and weights to be kept in the prison to weigh the allowance of food at any time when the same shall be deemed requisite.

CLOTHING.

115TH.

The prison clothing shall be worn by all convicted prisoners (except misdemeanants of the first class) and by prisoners before trial whose clothing is insufficient, improper, or necessary to be laid up for some special purpose.

116TH.

The dress of prisoners convicted of felony punishable with death, whose sentence shall have been commuted, shall be Oznaburgh and blue stuff, arranged

alternately with a cap of the same. The prison dress of other prisoners shall be of Oznaburgh.

117TH.

The dress for convicted prisoners not sentenced to hard labour and not being felons, and that for misdemeanants of the second division, shall be marked C. J.

The dress for prisoners convicted of felony when sentenced to hard labour shall be marked C. J.

F.

H. L. and when not sentenced to hard labour C. J.

F.

The prison dress for each class shall consist of

MEN.	WOMEN.
Cap. Trowsers. Shirt.	Frock. Shift of white nankeen or domestic. Cap. Other necessary articles.

118TH.

Any prisoner whose health shall require it shall be allowed such other articles of clothing or shoes as shall be ordered by the medical attendant.

119TH.

Prisoners who have been accustomed to wear flannel, socks, or shoes shall be allowed those articles at the expense of themselves or their friends.

GOOD BEHAVIOUR.

120TH.

The marshal shall report once in every ten days to the Governor the name or names of any prisoner or prisoners deserving consideration for good conduct, and the Governor may in his discretion remit one day's imprisonment on every ten days of the term of imprisonment of each convict during which good behaviour shall be exhibited; and at the close of the year one day may, in the discretion of the Governor, be remitted for the broken period of five days of good behaviour: Provided always, that in case of misconduct or breach of prison discipline by such prisoner such remission shall be liable to be forfeited in the discretion of the Governor, and this rule shall not apply to imprisonments for a less term than thirty days.

No. 200.

AN ACT to prevent the absconding of indentured Servants.

[Dated 24th October 1863; Left to its operation by Order in Council dated 26th April 1864.]

WHEREAS it is expedient to make provision to prevent the departure from this Island without licence of any person who is under indenture or contract for service in this Island:

Be it enacted by the Governor, the Council, and Assembly as follows:

1. The expression "person under indenture or contract" shall mean a person who is under indenture or written contract for the performance of any services as an agricultural labourer, artificer, or handicraftsman, on any plantation or estate in this Island. Construction of terms.

2. No person who is or shall or may at any time be under indenture or contract in this Island for any period shall be at liberty to depart this Island unless he shall have previously obtained from the immigration agent for the time being, or in the event of there being no such immigration agent, then and in such case only from a police magistrate, a licence under the hand of the immigration agent or police magistrate (as the case may be) certifying that such person is at liberty to depart this Island, and permitting such departure; and in every such licence shall be expressed and contained the name and description of the person to whom such licence may be given, together with the name of the plantation or person to whom he shall have been indentured or under contract, and the way in which such indenture or contract shall have expired or been determined. No person under indenture or contract to leave Island without licence.

3. If any person under indenture or contract shall leave or attempt to leave this Island without such licence, he shall be dealt with as an agricultural labourer who has committed any of the offences enumerated in the forty-third section of the Immigration Act, and shall be liable to the same penalties and punishments as are prescribed for such offences in the said Immigration Act. Penalty of leaving without licence.
No. 183, s. 43.

4. The immigration agent or police magistrate to whom application for such licence shall be made shall take care to inform himself fully with respect to any such applicant, and shall not grant such licence until he shall have procured every information with respect to such applicant, and for this purpose shall have three days from the making of any such application before he can be called upon to determine upon granting or refusing to grant any such licence. The granting of licences.

5. It shall be lawful for any police officer or constable to go on board any vessel, whether the same is about to depart this Island or not, in or on board which he may have any reason to believe there is any person under indenture or contract, whether or not he may think such person under indenture or contract is in or on board such vessel for the purpose of departing this Island or not, and search such vessel, and if he shall find any person on board whom he may have reason to believe is a person under indenture or contract, it shall be lawful for him to take and bring on shore and detain at a police office such person, unless he shall produce such licence as aforesaid, or until he shall be satisfied that such person is not a person under indenture or contract; and if any person shall resist, hinder, or obstruct any such police officer or constable he shall, on summary conviction before a police magistrate, be liable to forfeit and pay any sum of money not exceeding twenty pounds as to the convicting magistrate shall seem meet, and in default of payment and the costs, if any, within such time as the convicting magistrate shall direct, shall be liable to be committed to the common gaol, there to be imprisoned, with or without hard labour, for any time not exceeding three months as the convicting magistrate shall direct, or until such sum of money and costs shall have been sooner paid. Liberty to search vessels and detain any person under indenture or contract.

6. Every action brought against any person for anything done in pursuance or under the authority of this Act must be brought within three months from the time of the doing of the thing complained of, and the defendant in any such action may plead the general issue and give this Act in evidence; and if any such action shall abate or be discontinued, or the person bringing the same shall Defence to action for anything done under this Act.

be nonsuited, or there shall be a verdict or judgment against him, such defendant shall be entitled to receive and recover by due process of law treble costs from any plaintiff in any such action.

This Act not to affect civil rights and remedies.

7. Nothing in this Act contained shall in any way interfere with or lessen any civil right or remedy which any person may have against any person under indenture or contract leaving or attempting to leave this Island.

No. 201.

AN ACT to establish a Police Force in this Island.

[Dated 9th, published 10th November 1863.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Constitution of the police force.

1. The police force shall consist of two police magistrates, one for the parish of Saint John, and one for the parishes of Saint George, Saint Peter, Saint Philip, Saint Paul, and Saint Mary; one clerk, one inspector general, one first inspector, one second inspector, one third inspector, five sergeants, seven corporals, and fifty-five privates; and each of the said police magistrates shall have jurisdiction throughout this Colony, and the two police magistrates holding office when this Act shall come into operation shall continue to hold such office during the pleasure of Her Majesty; and the other members of the police force shall be appointed by the Governor.

Age and authority of police.

2. The inspector general, inspectors, non-commissioned officers, and privates of police shall be between the ages of twenty-one and fifty-five years, and every member of police shall have the power and authority of an ordinary constable.

Uniform.

3. The police shall be armed, and wear such inexpensive uniform as the Governor shall direct, such uniform to be supplied annually to each non-commissioned officer and private, and a sum not exceeding three shillings per month shall be stopped from the pay of each non-commissioned officer and private for the payment of such uniform, distinguishing badges, facings, and buttons to be supplied at the public expense.

Replacing uniform injured or destroyed on duty.

4. Any member of the police force whose uniform shall be injured or destroyed while in the execution of his duty shall have the same repaired or replaced at the public expense.

Oath on entering force.

5. Every member of the police force previously to entering on the duties of his office shall take the following oath before one of Her Majesty's justices of the peace, that is to say: "I do swear that so long as I shall be a member of the police I will to the utmost of my ability faithfully execute the several duties prescribed to me as such by and under any Act of this Island now in force, or that may hereafter be enacted;" and every non-commissioned officer and private shall on entering the service be held to enlist himself for a period of twelve calendar months, and any non-commissioned officer or private who shall continue in the service after the period of the term of his enlistment shall not quit the force without giving the inspector general of police three calendar months notice of his intention so to do.

Salaries.

6. The members of the police shall receive the annual salaries following; that is to say,

The police magistrate for the parish of Saint John three hundred and fifty pounds:

The second police magistrate three hundred and fifty pounds, with an allowance of seventy-five pounds for travelling expenses:

The clerk one hundred pounds :

The inspector general of police the sum of two hundred and seventy pounds, with an allowance of eighty pounds for the keep of two horses :

The first inspector the sum of one hundred pounds :

The second inspector the sum of ninety pounds :

The third inspector the sum of eighty pounds :

The senior sergeant stationed in the city of Saint John the sum of sixty pounds :

The other sergeants the sum of fifty-five pounds each :

To the corporal of the mounted police the sum of fifty-four pounds :

To each private of the mounted police the sum of forty-eight pounds :

Each private of the first class, not to exceed thirty in number, the sum of forty-three pounds :

Each private of the second class the sum of thirty-seven pounds, with an allowance to each inspector and to each non-commissioned officer in charge of a station of thirty-five pounds *per annum* for the keep of a horse :

[There shall be paid to the corporals of the foot police the annual salary of 23rd December 1864. forty-eight pounds :

There shall be paid on the warrant of the Governor to the sergeants and corporals of the said police force, on the fifteenth day of each and every month, on account of their monthly pay, the sum of two pounds each, and to the privates of said police force the sum of one pound ten shillings each :

Payments to sergeants, corporals, and privates on account on the 15th day of each month.

And no amount shall be recovered in any court from any non-commissioned officer or private of the police force by any person on account of anything purchased or taken upon credit whilst employed in the police force at any store or shop, and the judge or officer presiding over or in any court shall take judicial notice of this section, whether or not pleaded or raised in objection by such non-commissioned officer or private; but this provision shall not come into operation until the first day of March 1865, and shall not apply to any debts already contracted by any non-commissioned officer or private of the said police force, but from and after that period shall apply to any debt contracted subsequent to that period.]

After the 1st March 1865 no amount to be recovered in any court from non-commissioned officer or private of police for things purchased in shop on credit.

7. The inspector general shall submit to the Board of Audit on the last week day of every month the pay list of the said month, and once in every quarter a full and particular statement of the incidental expenses incurred for the establishment during the past quarter; and upon the certificate of the said Board of Audit it shall be lawful for the Governor to issue his warrant to the Treasurer for the payment thereof, together with such sum by way of advance on the contingent account for the ensuing quarter as to the said Board of Audit shall seem fit.

Audit of pay list and incidental expenses.

8. Upon the certificate of the Board of Audit it shall be lawful for the Governor to issue his warrant to the Treasurer for payment of all expenses that may be incurred in providing suitable buildings, by rent, not exceeding thirty-six pounds *per annum* for each station that may be formed under this Act.

Rent of stations.

9. For the purposes of this Act the Island shall be divided into police districts; that is to say, the parishes of Saint John and Saint Mary shall form district A, the parishes of Saint Paul and Saint Philip, with that part of the district of All Saints which is comprised in the division of Willoughby Bay, shall form district B, and the parishes of Saint Peter and Saint George, with that part of the district of All Saints which is comprised in the division of Old North Sound, shall form district C, and the officers and non-commissioned

Division of Island into districts.

officers in charge of the out-stations within such districts shall prepare summonses, warrants, recognizances, depositions, and such other documents as shall be required of them either by the magistrate or inspector general of police.

Duties of clerk.

10. The clerk of police shall record the proceedings, prepare summonses, warrants, recognizances, depositions, and such other documents as shall be required of him by the police magistrate or inspector general.

Station of police force.

11. The police force shall be stationed in ordinary as follows :

In the city of Saint John the inspector general, two sergeants, the clerk, one inspector, four corporals, and thirty privates of the foot police, and the corporal and the privates of the mounted police :

In the parish of Saint Mary one non-commissioned officer and three privates :

In the parish of Saint Paul one inspector, one non-commissioned officer, and six privates :

In the parish of Saint Philip one non-commissioned officer and three privates :

In the parish of Saint Peter one inspector, one non-commissioned officer, and five privates :

In the parish of Saint George one non-commissioned officer and three privates :

And it shall be lawful for the inspector general, with the sanction of the Governor, to remove if occasion shall require any detachment of police from any one district into any other district or place of this Colony for such period as may be deemed expedient.

Examination and character of person enlisting.

12. Previous to the enlistment of any person he shall undergo a medical examination as to his bodily fitness and constitution, and no person shall be enlisted unless of sound constitution, able-bodied, and capable of producing a good character from some respectable inhabitant as to sobriety, honesty, activity, and temper ; [each private of the said police force on being enlisted shall serve a probationary term of three months, and if not then approved his services shall be dispensed with.]

23rd December 1864.

Position and duties of inspector general and police.

13. The inspector general of police shall be under the immediate direction and command of the Governor, and the inspectors, non-commissioned officers, and privates shall be under the command of the inspector general, and their duties shall be to obey all lawful orders, to aid and assist the magistrates, vigilantly to detect and apprehend all persons guilty of any offence against the law, to prevent and suppress all tumults, riots, and disorders ; and the more effectually to carry out these objects, the inspector general shall frame rules and regulations for the discipline, efficiency, and general government of the force, and such rules and regulations when approved by the Governor shall be obligatory upon the members thereof, and have the force and effect of law as if incorporated into and made part of this Act.

Rules and regulations.

Post, p. 713.

Stoppage of pay to repair injury by member of police force.

14. If any member of the police shall commit any damage, injury, or spoil on or to any station house or public property therein, or on or to any premises used or occupied therewith, such damage, injury, or spoil not being wilful or malicious, or shall lose, damage, or destroy any of his arms or accoutrements, or any article committed to his charge, it shall be lawful for the inspector general, with the sanction of the Governor, to withhold such portion of the offender's salary as will be required to repair such damage, injury, or spoil, or to replace the arms, accoutrements, or other articles so lost, damaged, or destroyed, provided that not more than one-half the offender's salary be withheld in any one month.

Suspension of commissioned officer.

15. If any commissioned officer shall wilfully neglect to perform his duties, or shall employ or knowingly permit to be employed any policeman as a servant,

or in any services other than those for which such policeman shall have been engaged, he shall be liable to be suspended for such period as the Governor may think fit, or be dismissed from his office by the Governor.

16. It shall be lawful for the inspector general to examine on oath into the truth of any charges or complaints preferred against any non-commissioned officer or private of police for any neglect of duty or violation of any of the rules or regulations for the government of the police force; and any person who on such inquiry shall give false evidence shall be deemed guilty of wilful and corrupt perjury, and shall be liable to be punished accordingly.

Inspector general may examine into charges against non-commissioned officers or privates.

17. Any member of the police who shall commit any of the following offences; that is to say, any member who shall fail to obey any general order, or any order which shall from time to time be issued by his superior officer, or shall behave in an insolent, insubordinate, or contumacious manner towards his superior, or shall be drunk while on duty, or shall while on patrol enter into any liquor store or shop or other place for the purpose of drinking, or shall be found sleeping while on his beat, or shall quit his beat before being relieved without reasonable excuse, or shall by culpable neglect allow any felony or misdemeanor to be committed, or allow any prisoner to escape from custody, or shall quit his station without leave of his superior officer, or shall remain absent from his station after his term of leave shall have expired, or who shall feign sickness, or shall use any provoking language towards any person, or shall ill-use any prisoner he may have in custody, or shall use any profane or indecent language, or shall suppress or be privy to the suppression of any complaint for which any person may be liable to punishment by summary jurisdiction or otherwise, or shall not with all convenient speed communicate to his superior officer such information as shall come to his knowledge in respect to any felony or misdemeanor that has been or is about to be committed, or shall behave in any manner unbecoming the office of a policeman, shall be liable in the case of a non-commissioned officer to be dismissed from the force or reduced to the rank and pay of a private by the inspector general; and in the case of a private of the first class, to be dismissed from the force or reduced to the rank and pay of a private of the second class by the inspector general; and in the case of a private of the second class, to be dismissed from the force or to be fined in any sum not exceeding twenty shillings, to be stopped out of his pay, or to be ordered on extra duty for any time not exceeding six days by the inspector general: Provided that any such punishment or fine may be reviewed by the Governor and by him confirmed, altered, or reversed as he shall see fit.

Punishment of members of police for offences.

18. No dismissal, degradation, or other penalty shall be made except after due inquiry thereon, and a record of such inquiry and of the evidence taken thereon shall be entered in a book to be kept for that purpose, and the party dismissed, degraded, or fined shall be entitled to have of or from the inspector general of police, or person having the custody of the same, copies of the evidence entered in such book on payment of a reasonable sum for the same not exceeding three halfpence for each folio of ninety words.

Records to be kept of dismissals, &c.

19. If any member of the police shall wilfully refuse to obey the lawful orders of any superior officer, or shall desert from the force, or shall strike or offer violence to his superior officer, or shall wilfully and maliciously injure, damage, or destroy any arms, clothing, or accoutrements committed to his charge, shall be liable on conviction before a police magistrate to be imprisoned with or without hard labour for any period not exceeding three calendar months. [If any member of the police force shall wilfully and knowingly make any false statement, or make or be privy or party to the making of any false entry, or any alteration or erasure in any book of complaint, record book, or return or shall falsify any

Penalty for wilful disobedience of orders, &c.

Penalty on member of police force for making false statements, &c.

23rd December 1864. deposition, warrant, or any other public document, he shall be liable at the discretion of the court to be imprisoned for any term not exceeding three years, with or without hard labour and with or without solitary confinement.]

Effect of imprisonment of police.

20. If any member of the police shall be imprisoned for any offence under this Act he shall cease to be a member of such force from the date of his commitment.

Effect of dismissal, &c.

21. When any member of police appointed under this Act shall be dismissed from or shall cease to hold and exercise his office, all powers and authorities shall immediately cease and determine to all intents and purposes whatsoever; and if any member of police shall not within forty-eight hours after he shall be dismissed from or cease to hold and exercise his office deliver over all and every the arms, ammunition and accoutrements, clothing and other appointments whatsoever, which may have been supplied to him for the execution of such office, to the officer or non-commissioned officer in charge of the detachment to which he belongs, he shall upon conviction thereof before a police magistrate be liable to be imprisoned in the common gaol with or without hard labour for any period not exceeding two calendar months, and it shall be lawful for such magistrate and he is hereby authorized and required to commit every such offender accordingly, and to issue his warrant to search for and seize to the use of Her Majesty all and every the arms, ammunition, accoutrements, clothing, and other appointments whatsoever which shall not be so delivered over, wherever the same shall be found.

Penalty for possession of arms, &c. supplied to police force, or assuming dress, &c. of policeman.

22. That if any person shall have in his possession any arms, ammunition, accoutrements, or other appointments furnished for the use of the police, and shall not account satisfactorily for the possession thereof, or if any person shall put on or assume the dress, the name, designation, or description of a policeman, every person so offending shall, in addition to any other punishment to which he shall have subjected himself, be liable on conviction before a police magistrate to forfeit and pay any sum not exceeding ten pounds, and in default of payment of such sum and costs (if any) within such time not exceeding forty-eight hours as shall be directed by the convicting magistrate, shall be liable to be committed to the common gaol, there to be imprisoned with or without hard labour for any time not exceeding three months or until such sum and costs shall be sooner paid.

Duty of police magistrate for St. John's.

23. The police magistrate for the parish of Saint John shall sit at the police office in the city of Saint John at least three days in every week from the hour of ten o'clock in the forenoon until three in the afternoon, or until the charges and complaints standing for investigation and adjudication on each day shall be disposed of: Provided that it shall be the further duty of such police magistrate, under the order and direction of the Governor, from time to time to aid and assist in the investigation and adjudication of charges and complaints arising in any other parish or place in this colony.

Duty of police magistrate for country districts.

24. The police magistrate for the parishes of Saint George, Saint Peter, Saint Philip, Saint Paul, and Saint Mary shall sit at the police office in the said several parishes, and under the order and direction of the Governor from time to time aid and assist in the investigation and adjudication of charges arising in the parish of Saint John or at any place within this Colony.

Days of sitting in country districts.

25. The days of sitting for the parishes of Saint George, Saint Peter, Saint Paul, Saint Philip, and Saint Mary shall be ordinarily as follows:

For the parish of Saint George the second Tuesday after the publication of this Act and every Tuesday fortnightly afterwards:

For the parish of Saint Peter the second Saturday after the publication of this Act and every Saturday fortnightly afterwards:

For the parish of Saint Philip the second Monday after the publication of this Act and every Monday fortnightly afterwards:

For the parish of Saint Paul the first Saturday after the publication of this Act and every Saturday fortnightly afterwards:

For the parish of Saint Mary the first Monday after the publication of this Act and every Monday fortnightly afterwards:

The said sittings shall commence, except upon emergency to the contrary, at ten o'clock in the forenoon and shall be continued if necessary until four o'clock in the afternoon, and if the charges and complaints standing for hearing shall not be disposed of on or at the days and times aforesaid the said sitting shall be adjourned to such further days and times as shall be necessary for the investigation and adjudication of the same. If the said police magistrate be prevented by illness or other unforeseen emergency from sitting at any particular station on the day appointed for such sitting, it shall be lawful for the said police magistrate to issue his instructions in writing to the officer or non-commissioned officer in charge of the said station to adjourn the said sitting to some particular day, and the said officer shall adjourn the said sitting to such particular day accordingly.

26. It shall be lawful for any police officer to take into custody without a warrant any person whom he shall find disturbing or committing any breach of the public peace and who shall refuse to desist after having been warned so to do, or whom he shall have reasonable cause to suspect of having committed or being about to commit any felony; and all persons whom he shall find between sunset and the hour of six in the morning lying or loitering in any highway, yard, or other place and not giving a satisfactory account of themselves, and any person who shall be charged by any person with committing any aggravated assault, in every case in which such police officer shall have good reason to believe that such assault has been committed, although not within view of such police officer, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

Apprehension without warrant by police officer.

27. Any person found committing any offence punishable either by indictment or by summary conviction, by virtue of this or any other Act of this Island, may be taken into custody without a warrant by any police officer, or may be apprehended by the owner of the property on or with respect to which such offence shall be committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a police officer or other constable to be dealt with according to law; and every police officer or other constable may also stop, search, and detain any vessel, boat, cart, or carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained, and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed with respect to such property, or that the same or any part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized to apprehend and detain and as soon as may be to deliver such offender into the custody of a police officer or any other constable, together with such property, to be dealt with according to law.

Apprehension without warrant by police officer or other person.

Detention of cart, &c. conveying property suspected to be stolen.

28. Every person taken into custody by any police officer or other constable without a warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall be forthwith delivered into the custody of the officer of police in charge of the nearest station house, in order that such person

Persons apprehended to be delivered at nearest police station.

may be secured until he can be brought before a police magistrate to be dealt with according to law, or give bail for his appearance before a police magistrate, if the officer in charge shall deem it prudent to take bail in manner herein-after mentioned.

Recognizances how
taken and returned.

29. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before any police magistrate of the district in which such station house shall be situated at his next sitting, and the time and place of such appearance shall be specified in the recognizance, and the officer shall enter into a book to be kept for that purpose at every station house the name, residence, and occupation of the party and his surety or sureties (if any) entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the police magistrate present at the time and place when and where the party is bound to appear, and such recognizance if forfeited shall be recoverable in like manner as recognizances for appearance at the Court of Queen's Bench are recoverable.

Restoration to owner
of stolen goods.
Application of, if
owners not found.

30. If any goods or monies charged to be stolen or fraudulently obtained shall be in custody of any police officer or other constable by virtue of any warrant of a police magistrate, or in prosecution of any charge of felony or misdemeanour in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid shall not be found, or shall be duly convicted on such charge or charges, it shall be lawful for such police magistrate to make an order for the delivery of such goods or money to the person who shall appear to be the rightful owner thereof, or in case the owner thereof cannot be ascertained then to order such goods within a reasonable time to be publicly sold, and the proceeds thereof, together with any monies so in the custody of any police officer or other constable as aforesaid shall form part of the police reward fund herein-after mentioned.

Apprehension of
persons not known
to police officer.

31. It shall be lawful for any police officer and all persons whom he shall call to his assistance to take into custody without a warrant any person who within view of such officer shall offend in any manner against this Act and whose name and residence shall be unknown to and cannot be ascertained by such officer.

Medical attendance
to police force.
23rd December 1864.

32. [It shall be lawful for the Governor to appoint a duly qualified medical practitioner to attend the police force stationed in each district and to examine into and report upon the physical fitness of persons offering themselves for enlistment, and to give such medical or surgical attendance as may be required by persons taken to any police station on account of injury sustained or from violence or from accident, and the remuneration for such medical practitioner for his attendance, medicine, surgical aid, examination, and reports shall be at the following rates: in the district A thirty pounds *per annum*; in the district B fifteen pounds *per annum*; in the district C fifteen pounds *per annum*.]

To whom medical
aid to be given.

33. The medical practitioner shall not extend medical aid to any member of the force whose illness is certified by such practitioner to have been brought on by his own indiscretion, and any officer, non-commissioned officer, or private under medical treatment who shall refuse or neglect to take the medicine prescribed, or who shall act in any way contrary to the direction of the said medical practitioner in any manner calculated to retard the progress of his recovery, shall forfeit all claim to pay until he returns to duty.

Police reward fund.

34. All fines and penalties incurred by and all sums stopped from the pay of members of police shall be payable to the Treasurer, and shall constitute a fund to be called "The Police Reward Fund," which shall be appropriated to the payment of such rewards, gratuities, bounties, pensions, or other allowances

as the Governor may from time to time award or direct to be paid to any members of police, or to the widows or families of such members at their death; and it shall be lawful for the Governor to direct, if he shall think fit, that any proportion not exceeding twenty shillings in the year for every one hundred pounds of the salary of any member of police, and so in proportion for any salary less than one hundred pounds, shall be deducted from such salaries and added to the reward fund and form part thereof; and this section shall apply to the present police reward fund in the hands of the Treasurer and to members of the police force now serving and their widows and families.

35. The inspector general shall select from the police force one corporal and five privates to form a corps of mounted police, and shall have power from time to time to transfer any member of the said corps to the foot police and replace him by a member of the foot police. Mounted police.

The said mounted police shall be provided with horses, arms, and accoutrements, and with all necessary furniture and equipments for the said horses, to be approved by the Governor, and the said corporal shall be lodged at the public expense in the vicinity of the police station in the city of Saint John.

36. And whereas Edward Rycant Shordiche, Esquire, hath filled the office of superintendent or inspector general of police for many years and hath discharged the duties of his office with exemplary zeal, diligence, and ability: Be it enacted, That the said Edward Rycant Shordiche shall while he shall continue to fill the said office of inspector general receive annually by the warrant of the Governor upon the Treasurer, in addition to and conjointly with the salary and allowance herein-before assigned to the inspector general of police, the sum of one hundred pounds. Addition to salary present inspector general.

37. Expired.

38. This Act shall be and continue in force for the term of seven years from the publication thereof and thenceforward to the next meeting of the Council and Assembly of this Island. Duration of Act.

ANTIGUA POLICE.

RULES AND REGULATIONS FOR THE GOVERNMENT OF THE FORCE.

Inspector General.

The inspector general of police is under the immediate command of his Excellency the Governor; he is to superintend the discipline of the force, visit the out-stations at such periods as he may think fit, issue such orders from time to time as may in his discretion be necessary, and report to the Governor all matters connected with the duties of his department calling for observation.

The inspector general shall promote, as occasion may require, any subordinate member of the force to the acting rank of a non-commissioned officer, and shall fill up such vacancies as may occur in the first class by promoting thereto private of the second class, and shall reduce any such acting non-commissioned officer or private to the rank from which he was promoted for any inattention to duty or breach of discipline.

Inspectors.

2. The inspectors will reside at the stations to which they are appointed; they will strictly and promptly obey all orders issued by the inspector general

in connexion with their duties; they will pay particular attention to all complaints made against any non-commissioned officer or private serving under them, and will report the circumstance without delay; they will be held responsible for the general efficiency and the strict performance of duty of the non-commissioned officers and privates under their respective commands; they will parade for duty punctually at the hour appointed, receive from the non-commissioned officers the reports of the state of their respective parties, and inspect the drilling of the men.

Non-commissioned Officers.

3. Each non-commissioned officer will be held responsible for the general good conduct and order of the men belonging to his section; he will note every case of disobedience of orders, misconduct, or fault committed by the privates under him, and will report any charge to the inspector general or inspector; he is to march his men to their beats in a silent and orderly manner; he is repeatedly to patrol his district and enforce the performance of duty by the privates; if he observes in the roads, streets, &c. anything likely to produce danger or public inconvenience or that is irregular or offensive he will take such steps as may be necessary for its removal; while he is exact in the performance of his duty he will at the same time be civil and attentive to every person and will render all information and assistance in connexion with his duties that may be required; if a non-commissioned officer be absent from duty his place will be supplied by a member of the force told off for that purpose.

Privates.

4. Every private in the force may hope to rise by activity, sobriety, intelligence, and good conduct to a superior rank; he must recommend himself to notice by a diligent discharge of his duties and strict obedience to the commands of his superiors; he is at all times to appear neat and clean in his person, his demeanor always respectful towards his superiors; he will readily and punctually obey the orders of his officers or non-commissioned officers; he will be held responsible for the security of life and property within his beat, and for the preservation of peace and good order during the time he is on duty; he must make himself acquainted with all parts of his beat; with the streets, thoroughfares, houses, and inhabitants; he will frequently patrol every part of his beat; this shall not, however, prevent his remaining at any particular place if his presence there be necessary; if he at any time requires immediate assistance and cannot in any other way obtain it he will spring his rattle, but this is to be done only in case of an emergency; if he has to leave his beat with a prisoner or for any other urgent purpose he will return to it with the least possible delay; he shall not enter any house, shop, or room, or converse with any person while on his beat, except it be in the execution of his duty; he will be civil and attentive to all persons; he is not to interfere idly or unnecessarily, but when required to act will do so with firmness and decision; he must keep a perfect command of temper, never suffering himself to be moved by any language or threats that may be used; he will on no account use his staff unless compelled to do so in self-defence, and he will avoid striking on the head; he must be particularly cautious in the exercise of his authority, especially where the case is merely that of suspicion, and whenever he may reasonably entertain strong doubts on the subject he should apply to his superior officer for advice and information before acting.

General Rules.

Any member of the police force who shall absent himself from duty with a view to abscond from the Island, or shall be absent from duty without lawful excuse for forty-eight hours, shall be deemed to have deserted.

5. The officers and non-commissioned officers in charge of the several stations will enter daily in a report book the name, number, beat, and hours of patrol of each man on duty, also the names and residence of any person or persons who may be in custody, the name of the complainant, nature of the charge, by whom apprehended, at what hour discharged from custody, or how otherwise dealt with, together with any other circumstance connected with the duties of his department that may have taken place during the day.

6. The inspectors and sergeants in charge of the several stations shall furnish the inspector general monthly with returns of all cases that shall have been decided, and will attend at the police station, St. John, on the third day of each month, at ten o'clock a.m., with the complaint book for examination; should an officer or sergeant be prevented attending at the time specified from any unforeseen cause he will attend the earliest opportunity after.

7. No inspector shall quit his district (except it be on public service) without leave from the inspector general; they may in their discretion grant leave of absence not exceeding 24 hours to non-commissioned officers or privates under their command, to whom they will give a written pass; a member of the force on duty or leave will report himself at the district station house.

8. Each inspector and sergeant will frequently patrol his district and visit the station under his charge, and no member of the force shall appear at any time in public when on duty out of uniform, but they may be employed on special service in plain clothes if it shall appear that such precaution be necessary.

9. The daily parade will take place at nine o'clock a.m., the men will form in order for inspection by the inspector or sergeant of the station to which they belong; strict silence is to be observed and attention paid to any order that may be issued; the patrol will be relieved every four hours; the relief to leave the station under charge of a non-commissioned officer, who will post them on their different beats; the patrol relieved will march to the station and be inspected before dismissal; the patrol will call the hour from 10 p.m. to 5 a.m.; each non-commissioned officer or private on actual duty to wear a badge on the left wrist and will give their name and number to any person who may apply for it.

10. Prisoners in custody are to be visited every four hours by the non-commissioned officer on duty; immediate attention is to be given to any requiring medical aid; no wine, beer, or spirits are on any account to be given unless by order of a surgeon; a daily ration at a cost not exceeding fourpence will be issued to each prisoner; a prisoner may furnish food at his own expense if he thinks fit.

11. Every non-commissioned officer and private having to give evidence before any court will be in attendance at the time specified correctly dressed in his uniform, and he shall not quit the court until the matter has been adjudicated; he is to give his evidence in a clear and distinct tone of voice, will confine himself to the case in point, and will stand at attention while under examination; if he considers himself aggrieved by a magistrate in the execution of his duty, he is respectfully to submit to the magistrate's authority and decision, but may lay his case, through the regular channel, if necessary, before the Governor.

12. If a member of the police force considers himself aggrieved by another he shall prefer a complaint verbally to his superior officer, who will either

settle it among the parties or refer it to the inspector general, as the case may require; if the complaint shall be against his superior officer he shall deliver it to him in writing, to be laid before the inspector general; and if it be against the inspector general it must go through the same process until it reaches the Governor. All complaints must be made within 24 hours after the offence be committed or they will not be received.

13. No member of the police force shall frequent any billiard-room or gaming house for the purpose of betting or play; nor shall he enter any dancing house commonly known as a "Rendezvous," unless it be in the lawful execution of his duty.

14. Every member of the police force stationed in the city or towns of English Harbour and Parham shall reside within such city or town, and the other members of the force stationed at St. Mary's, St. Philip, and St. George shall reside at the respective stations; his name, number, and place of abode will be entered at the station to which he belongs, and he is not to change it or sleep out without notifying where he is to be found; members of the police who may be off duty if called upon for their services must be ready to render them at any time of the day or night.

15. Any member of the police force under medical treatment shall furnish a substitute when necessary at a rate not exceeding 2s. for each alternate day, and shall furnish his own messenger for the purpose of sending for medicine; members of the force who may be removed from time to time to different stations will receive the following rates to cover the expense of their removal, *viz.*: officers, 17; non-commissioned officers and privates, 10s.; should any member of the force be removed for misbehaviour he will forfeit all claims to such allowance.

16. No member of the police force shall submit any petition connected with police matters to both or either of the Houses of Legislature without the Governor's sanction, and no member shall hold correspondence with any person relative to the duties of his department except it be his superior officer.

17. No smoking or drinking will be allowed in the department, and no person shall remain in the police office or guard-room except on police business.

18. Any inspector, non-commissioned officer, or private of police being arrested in execution for debt will be suspended from rank and pay.

19. Any member of the police force who may be entrusted with a warrant to execute is not to part with it out of his possession.

20. If any member of the police force takes property from any person he shall retain it in his own possession until he delivers it to the inspector or sergeant on duty, who will enter a description of it in the report book and give a receipt for the same, and he will be held responsible for the production of such property whenever it may be required.

21. Every member of the police force will pay becoming respect towards their superior officers, whom on meeting they will invariably salute; they shall on no account use any reproachful or provoking speeches or gestures, or speak or write in disrespectful terms to their superiors.

22. The officers, non-commissioned officers, and privates will parade for drill every Thursday, or on such other days as the inspector general may appoint (weather permitting), from 5 to 6 p.m.; target practice will take place three times in each year and blank firing three times in each year.

23. In the event of any serious disturbance taking place where it may be necessary for the police to turn out under arms, the officer or non-commissioned

officer in charge of the party will prevent the men under his command using their arms unless by order of a magistrate.

24. No allowance will be drawn for any horse that is not in good working condition and equal in every respect for the service required, for which they will always be held in readiness; should any officer or non-commissioned officer be deprived of his horse from death or other cause he must replace it within one month.

25. In case of fire occurring in the city or towns the men on patrol will give the alarm by springing their rattles, but they are on no account to quit their beats except for the purpose of giving the alarm at the station; the men off duty will immediately repair to the station and place themselves under the command of their superior officer, who will give such instructions for their guidance as he may think necessary; no member of the police is to quit his district on the occurrence of a fire in another district except by order of his superior officer, and no member of the police force is to take orders from any person but a magistrate, commissioner, or captain of the fire brigade, or officer of police; a strict inquiry will be made by the officer or non-commissioned officer of police of the district in which such fire may occur into the cause thereof, and a report of the same forwarded to the inspector general.

26. Whenever any offence of a serious character has been committed and the person or persons concerned shall abscond, immediate communication is to be made to the officers and non-commissioned officers in charge of the several stations, giving the name and description, as well as can be ascertained, of the person or persons charged and the nature of the offence.

27. In all cases of sudden death or death under circumstances of suspicion where a coroner's inquest is considered necessary, the inspector or sergeant in whose district such casualty may occur will inquire into the cause thereof, and will without delay forward a written report of such particulars as may come to his knowledge to the coroner and inspector general of police; the report to the coroner will be handed for delivery to the constable for the division in which such death shall take place.

28. In cases of dereliction of duty committed by any non-commissioned officer or private, not amounting to a serious breach of discipline, the officer in command may place the offender on permanent duty for any period not exceeding forty-eight hours, at the rate of eight hours *per* day during the time he is off duty.

29. In cases of wilful disobedience of these rules and regulations or any serious violation or contravention of duty on the part of any officer, non-commissioned officer, or private of police, the inspector general may place the offender under arrest or arrest at large and will prefer a charge against him before a police magistrate, or in the absence of the inspector general the inspector may have the like power, and in the absence of the inspector the non-commissioned officer shall have the like power: In both of the last-named cases a report without delay of the nature of the charge shall be sent to the inspector general.

30. A general full-dress inspection by the officers and non-commissioned officers shall take place on the 1st of the month and an undress inspection on the 15th, when the force will assemble under arms; the rules and regulations will be read after inspection at 9 a.m. on the 1st of each month, and such Acts as relate more particularly to the duties of the police after inspection at 5 p.m. on the 15th day of each month.

Mounted Police.

The men are to parade for stable duty at 7 a.m.; the horses are to be thoroughly groomed, watered, and fed.

The section going off duty will then be allowed to retire, returning at 3 p.m. for the purpose of watering and feeding their horses; the section coming on duty will attend parade, correctly dressed in their uniform, and will hold themselves in readiness for such duty as may be required. A sentry is to be placed on duty at the stables from 8 o'clock p.m. to 6 o'clock a.m.

Horses of men on duty which have not been used during the day are to be taken out for exercise under charge of the non-commissioned officer on duty from 4 to 6 p.m.; men proceeding on duty or exercise are not to put their horses off a walk except in cases of necessity.

If a horse becomes heated the saddle girths are to be slackened and the horse walked until he is cool; he is then to be rubbed thoroughly dry and well groomed.

Should a horse exhibit symptoms of sickness it is immediately to be reported to the inspector general or in his absence to the farrier. No member of the force off duty is to go beyond a half mile from the city without obtaining leave from the inspector general, and on leaving the city shall report to the non-commissioned officer on duty where he is to be found in case his services may be required.

Any member of the force who may be absent on plea of sickness will be subject to a stoppage of sixpence *per* day for the hire of a groom.

No member of the force shall groom his horse or clean his accoutrements in other than his undress uniform.

Persons unconnected with the establishment are not to be allowed to enter the stables or yard unless by permission of an officer or non-commissioned officer of mounted or foot police.

The following clothing will be issued annually to the non-commissioned officers and privates, *viz.*: One cap, one tunic, one pair of overalls, one stock, one pair of boots, which will be kept at their own expense in thorough repair; the uniform to be worn the second year as undress, without lace; each non-commissioned officer and private will provide himself with an overcoat according to pattern, and a pair of blue serge overalls to be worn at night, on stable duty, or in wet weather.

Bridles, saddles, and accoutrements are to be kept always ready for immediate use.

Patrols will be sent out in such direction and at such hours as the inspector general may see fit to order.

North.—The north patrol will extend from the city of Saint John, through the wood, Friars Hill, McKinnon's, Villa, and Gamble's estates.

East.—Tomlinson's, Carlise, Paynter's, Cassada Garden, and Skeritt's estate.

South.—Through Tomlinson's Village, Potter's, Herbert's, Belmont, and Otto's estates.

South-west.—Turnbull's, Golden Grove, Thibou's, Green Castle, and Smith estates.

West.—Green's Bay Union, Yapton Farm, Upper Sir George's, and Galley Bay estates.

Mounted Police.

Inspector General.—Full dress: blue tunic, single breast, with blue velvet cuffs and collar, nine plated buttons, with crown within a wreath down the front, four on the skirt; tunic to be edged with silver braid, and collar and cuffs to be

trimmed with silver oak leaf lace 1 inch wide ; overalls, blue cloth with silver oak leaf lace $1\frac{3}{4}$ inch wide down the outer seam ; cap, blue cloth, silver oak leaf band $1\frac{3}{4}$ inch wide with cypher and crown, peak to be edged with silver lace ; half boots, plated spurs, white gloves.

Undress : Blue double-breasted froek coat, black buttons with crown and wreath, white pantaloons, blue cloth cap with black oak leaf band with cypher and crown in silver, blue morocco sword-belt embroidered with silver ; sword, with steel scabbard, silver sword knot.

Sergeant.—Tunic and cap, blue cloth, lace silver $\frac{1}{2}$ an inch wide, cap band $1\frac{1}{2}$ inch wide ; overalls, blue cloth, lace white worsted $1\frac{1}{2}$ inch wide ; white gloves.

Corporals and Privates.—Same as sergeant, with lace of white worsted in lieu of silver, white gloves, half boots, steel spurs, light cavalry swords, buff belts, revolver pistols.

Foot Police.

Inspectors.—Same as inspector general, with lace oak leaf pattern $\frac{5}{8}$ of an inch wide around the top of the collar only, cap band $1\frac{1}{2}$ inch wide, peak plain, trousers white, half boots. Undress, same as inspector general ; coat to be single breasted ; sword, infantry pattern with plated mountings, sword belt and knot full dress white enamel, undress black morocco leather.

Sergeants.—Blue cloth jacket with tin-plated buttons down the front, collar and cuffs edged with silver lace $\frac{5}{8}$ of an inch wide, half boots, white gloves, leather stock, cap, blue cloth with silver lace band $1\frac{1}{2}$ inch wide, with badge.

Corporals and Privates.—Same as sergeants, with worsted lace instead of silver. Sergeants to wear three chevrons on the right arm ; corporals, two ; acting corporals, one ; caps to have plated crown and number in front, buff belts, Minie rifle.

Uniform to be issued on or before the 15th May in each year ; each non-commissioned officer and private is to provide himself with a great coat according to pattern, and a pair of blue serge overalls to be worn at night and in wet weather.

On the issue of new uniform the lace will be removed from that in use, which will then be worn at night or when on fatigue duty.

Regulations as to Dress.

The full dress is to be worn at all general parades and when in attendance at the Court of Queen's Bench.

Such member who by negligence or carelessness shall injure or destroy his uniform, or any part thereof, shall have the same repaired or replaced at his own expense, in addition to such other punishment as he may be liable to. Should any member of the mounted police be dismissed from or quit the force before the period of the re-issue of clothing he will pay the cost of such clothing ; and any member of the force who shall appear on parade or duty in a slovenly or dirty state shall for the first offence be placed on extra duty for one day, and for the second offence of a like nature two days, and shall in addition pay the costs of retrimming or repairing his clothing ; lace buttons, badges, and facings will be furnished at the public expense, and are to be returned to the inspector general in the event of death, resignation, or dismissal.

EDWARD R. SHORDICHE,

Inspector General of Police.

Approved,

(L.S.)

(Signed)

STEPHEN J. HILL,

Police Station, St. John's, 31st December 1863.

No. 202.

AN ACT to establish certain Rates of Tonnage Duty, and to regulate the Payment of the same.

[Dated 3rd December 1863; Left to its operation by Order in Council dated 10th June 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Master to report arrival of vessel within 48 hours with tonnage and cargo, and exhibit certificate of registry, manifest, and invoice of cargo.

1. Every master of a vessel arriving at this Colony shall with all convenient speed after the arrival of such vessel, and before bulk be broken, proceed to the Treasury and report the arrival of such vessel, her tonnage and cargo, and shall within forty-eight hours after the arrival of such vessel enter the said vessel, and at the same time exhibit the certificate of the registry of such vessel and the manifest and invoice of the cargo laden on board such vessel: Provided always, that upon the master of any such vessel applying to the Treasurer for an extension of time within which such vessel should according to this clause be entered at the Treasury, and the tonnage duties hereby made payable be paid, the Treasurer, upon being satisfied that such application is made *bonâ fide*, shall be at liberty at his discretion to extend by writing under his hand the time within which such vessel should be entered to any period not exceeding seven days from the time of the arrival of such vessel.

No goods to be laden or unladed until payment of duties.

Duty of 1s. 8d. per ton to be paid.

2. No goods shall be laden or unladed on or from any vessel arriving at this Colony until the duties hereby made payable shall have been paid.

3. On every vessel entering inwards at the public Treasury there shall be paid a duty of one shilling and eightpence *per ton*, according to the registered tonnage of such vessel: Provided that for every vessel under sixty tons registered there shall only be paid a duty of one shilling and eightpence *per ton* according to the registered tonnage of such vessel once in every year, such period to be calculated according to and from the time of payment of the duty hereby made payable.

Further duties in aid of seaman's ward in Holberton Hospital.

4. For the purpose of aiding in defraying the expenses of the seaman's ward in the Holberton Hospital, there shall be paid beyond and besides the duties herein-before made payable on all vessels entering inwards at the public Treasury the duties following:

On every vessel of 20 tons or under, to be payable once in every twelve months, fourpence *per ton*:

On every vessel over 20 tons and under 60 tons, to be payable once in every six months, threepence *per ton*:

On every vessel over 60 tons, to be payable on every entry of such vessel, threepence *per ton* of the duty hereby made payable.

Package duty may be paid on cargo instead of tonnage duty. Packages to be unladed under provisions of Tariff Collection Act.

5. If on the arrival at this Colony of any vessel, whether the same be wholly or only partly laden or in ballast, the master thereof shall declare in writing that he is desirous to land only a part of his cargo or only certain packages or articles from his vessel, or that he desires to take in or lade a partial cargo, and that he elects to pay the duties by this clause made payable instead of the tonnage duty herein-before made payable, there shall be paid on every package, article, or thing unladed from such vessel, besides and above the duties by the "Tariff Collection Act" made payable on any such package, article, or thing, the duties set forth and mentioned in Schedule A. to this Act, instead of the duty herein-before made payable on any such vessel according to her tonnage: Provided that no such package, article, or thing shall be unladed except under and according to the provisions of the "Tariff Collection Act" relating to and for securing the payment of the duties payable on goods and things imported into this Island, all which provisions are to be taken as and are hereby declared to be and form part of this Act.

6. None of the duties hereby made payable shall be demanded or payable on vessels calling at any port in this Island only on their way from and to some other place, or only for the purpose of landing passengers and their baggage, or only for the purpose of repairing and refitting or taking in supplies and water.

7. All steam vessels employed in carrying the mails between this Island and any other port or place shall be free from the duties hereby made payable.

8. Vessels arriving at this Colony with coal for the use of steam vessels, employed in carrying the mails between this Island and any other port or place, and vessels arriving at this Colony with cargoes of ice only, or ice and fresh meats, and fish, vegetables, and fruits, or vessels arriving at this Island with stores for Her Majesty's sea or land forces, shall be free and exempt from all tonnage duties hereby made payable, save and except the duty hereby made payable for aiding in the expenses of the seaman's ward in the Holberton Hospital: Provided that no such vessels import any other cargo whatsoever and do not take any cargo of any description whatsoever from this Colony.

9. Every person who shall do or omit to do anything which is by this Act forbidden or required to be done, or who shall make any false entry or declaration, or produce any false certificate of registry, manifest, or invoice, or false copy of either of the same, or shall in any way whatever violate or assist in or be party to the violation of any of the provisions of this Act, shall be liable on summary conviction before a police magistrate to forfeit and pay any sum of money not exceeding one hundred pounds as to the convicting magistrate shall seem meet, and in default of payment of such sum and the costs (if any) within such time as the convicting magistrate shall direct shall be liable to be committed to the common gaol, there to be imprisoned, with or without hard labour, for any time not exceeding three months as the convicting magistrate shall direct, or until such sum of money and costs be sooner paid.

10. In any case in which the police magistrate shall determine any case or complaint brought or lodged and heard before him under the provisions of the last preceding clause, it shall be lawful for either party to appeal in the cases, under the circumstances, and in the manner, and as is declared, mentioned, and provided in the Act to facilitate the performance of the duties of police magistrates with respect to summary convictions.

11. Repeals certain enactments.

SCHEDULE A.

TABLE OF DUTIES payable on Articles exported or imported.

	£	s.	d.
For every hogshhead of 32 inch truss and upwards, butt, or pipe, or cask	0	1	4
of equal size - - - - -	-	-	-
tierce, or puncheon, or cask of equal size - - - - -	0	0	10
half butt, half pipe, or hogshhead of fifty gallons and upwards,	0	0	5
or cask of equal size - - - - -	-	-	-
barrel or cask of equal size - - - - -	0	0	2½
box of fish of 100 lbs. and proportional parts thereof - - - - -	0	0	2½
1,000 feet lumber - - - - -	0	1	4
1,000 shingles - - - - -	0	0	4
1,000 staves - - - - -	0	1	6
1,000 wood hoops - - - - -	0	0	8
1,000 feet hardwood - - - - -	0	4	2
1,000 bricks or tiles - - - - -	0	2	0
Shook - - - - -	0	0	2
	2	2	

	£	s.	d.
For every Ton coals in bulk - - - - -	0	2	0
„ 14 bushels beans or peas, or corn or grain, being in packages - - - - -	0	0	10
„ other than those herein-before enumerated - - - - -	0	0	2
„ 100 cocoanuts - - - - -	0	1	6
„ horse, mule, or horned cattle - - - - -	0	0	6
„ pig or sheep, each - - - - -	0	0	1
„ separate package or article in bulk not otherwise described, not exceeding one cubic foot - - - - -	0	0	1
For each separate package or article not otherwise described, and exceeding one cubic foot, at the rate for each cubic foot thereof - - - - -	0	0	1
In all portions of cargo laden in bulk in proportion to the number of barrels which such proportion of cargo would represent per barrel - - - - -	0	0	2

No. 203.

AN ACT to prevent the Sale or Exportation of stolen Metals.

[Dated 3rd December 1863.]

WHEREAS there have been many robberies on estates and plantations of iron, copper, lead, brass, zinc, pewter, solder, and yellow metals, and it has been impossible to discover the person or persons who have committed these robberies by reason that such stolen metals have been generally or frequently exported from this Island for the purpose of being sold or disposed of elsewhere: And whereas it is expedient to make provision as far as possible to put a stop to such robberies, and generally to prevent the sale, disposition, or exportation from this Island of any metals which shall not have been lawfully acquired and come by:

Be it enacted by the Governor, the Council, and Assembly as follows:

No one to purchase iron, &c. except from certain persons.

1. No person shall purchase any iron, copper, lead, brass, zinc, pewter, or yellow metal from any person other than and except the owner or person in charge of any plantation or estate, or a person whose ordinary, regular, or general calling, trade, or business it is to deal in, work, or use for his calling, trade, or business any of such metals, or a person who shall have obtained and shall for the time being have a licence required and to be granted under the provisions of this section for the purpose of exporting the same or selling it in this Island, or for working up or applying the same in or to his trade, business, or calling, or for any purposes of trade whatsoever, without having obtained a licence under the hand of the inspector general of police in the form set forth in Schedule A. to this Act, which said licence shall last and be in force for one year from the day of the date thereof, and for which there shall be paid to the said inspector general the sum of one pound; and it shall be lawful for the said inspector general to refuse to grant any such licence to any person applying for the same, if he shall see any reason so to do.

Signboard over door of licensed dealer.

2. Over some entrance to the store, shop, warehouse, or room of any person having any such licence as is mentioned in the last preceding clause, there shall be placed a board on which shall be printed in letters of at least two inches in length and three inches in breadth the name in full of the person having such licence, and the words "Licensed Metal Dealer."

Licence to be void on violation of any provision of this Act.

3. If any person to whom any such licence shall have been granted shall in any way whatever violate or fail to observe, or perform, or assist in, or be party to the violation, or non-observance, or non-performance of any of the provisions or requirements of this Act, such licence which he may then have shall be revoked and null and void, beyond and besides any other penalties or punishment to which such person may under the provisions of this Act be liable.

4. Every person who is licensed under the first section of this Act shall keep a book in which he shall legibly enter the name in full of the person from whom he purchases any such iron, copper, lead, brass, zinc, pewter, solder, or yellow metal, the residence as given of the person from whom the same is purchased, the metal or metals purchased, the quantity purchased, and the price paid for the same, and all the particulars of every such sale, purchase, or dealing.

Licensed person
keep a book
of his dealings

5. No person shall make any false entry in such book in any particular, or shall in any way whatever collude with the seller of any such metal with respect to such entry as aforesaid or any part or particulars thereof.

No false entry
book or collusion
with seller.

6. It shall be lawful for any magistrate, or the inspector general, or any inspector or sergeant of police, at any time to inspect any such book, and the person having such licence, or his representative, or the person in charge of the store or warehouse in which such book is kept, or the person in whose custody and charge such book is, or the person who shall have made any entry therein with respect to which any such magistrate, the inspector general, inspector, or sergeant of police may desire to ask any question, shall permit such magistrate, inspector general, inspector, or sergeant of police to inspect such book, and shall answer all such questions as shall be asked by such magistrate, or inspector general, inspector, or sergeant of police with reference to such book or any of the contents or entries therein.

Magistrate, insp
general of police
may inspect book
demand explanat

7. No person shall export from this Island any iron, copper, lead, brass, zinc, pewter, solder, or yellow metal, without having obtained a licence or permit from any police office under the hand of the inspector general, or an inspector or sergeant of police, who shall from time to time, at any time and for the time being, be in charge of any such police office, in form set forth in Schedule B. to this Act, authorizing and permitting the exportation of any such metal; and in every such licence shall be expressed and contained the name in full of the person taking out such licence or permit, the description and quantity of each and any metal for the exportation of which such licence or permit is sought, and the date at which the same is applied for; and the person demanding such licence or permit shall make a declaration in writing that he is the owner of the metal or metals for the exportation of which he demands a licence, or that he has a right to export the same, and in the latter case how and in what capacity he has such right; and in the event of such inspector general, or inspector or sergeant of police having any reason to believe that any metal for the exportation of which such licence or permit is sought has not been lawfully or rightfully come by, he shall be at liberty to refuse to grant such licence or permit until such person applying for the same has fully satisfied him that such metal has been lawfully or rightfully come by, or he has made inquiries and found that there is no reason for refusing such licence or permit; and for every such licence shall be paid the sum of one shilling, and such licence shall only be in force for seven days, and the metal or metals thereby authorized and permitted to be exported must be exported within seven days from the day of the date of such licence, and only for and in the vessel for which the same shall be granted: Provided always, that the licence so obtained shall be lodged at the Treasury before the exportation of such metal or metals.

No person to expo
iron, &c. without
licence from police
office.

8. No person shall purchase or take in exchange or barter any metal whatsoever without at the same time demanding and taking from the person selling, exchanging, or bartering such iron, copper, lead, zinc, brass, pewter, or yellow metal, a declaration in writing of the person selling, exchanging, or bartering such metal that he is the owner of or that he has a right to sell such metal, and in the latter case how or in what capacity he has such right to sell the same.

No one to purchase
any metal without
taking declaration of
ownership from
seller.

Police officers may enter premises and may demand declaration as to ownership of metal there or in possession of any person.

9. It shall be lawful for any police officer at any time to enter, and if need be, without a warrant for that purpose, to force and break an entry into any premises whatsoever in or upon which he has reason to believe that there is any metal which he may believe has not been lawfully or rightfully come by, whether by the owner or the occupier of any such premises or any other person whatsoever, and to demand a declaration in writing of the owner or occupier of any such premises as to the ownership of any metal in or on any part of such premises; and it shall be lawful for any police officer at any time to demand from any person a declaration in writing as to the ownership of any metal in the possession of such person which such police officer may have reason to believe has not been lawfully or rightfully come by; and every person of whom any such declaration shall be demanded by any police officer shall make such declaration, and therein state fully his name, the name of the owner of any such metal, how to the best of his knowledge such person became the owner of such metal, and how any such metal came upon such premises, and may add anything with reference to such metal that he may desire.

Person making false declaration punishable as for perjury.

10. Any person wilfully or corruptly making any false declaration in cases or under any circumstances required by this Act as to any matter or thing required by, under, or for the purposes of this Act, shall be liable on conviction before a police magistrate to a sum not exceeding twenty pounds.

Forfeiture of all vessels, &c. used for removing, &c. any metal not sold, &c. in accordance with provisions of this Act.

11. All vessels, boats, carriages, carts, or other vehicles of any kind whatsoever, and all horses, mules, donkeys, or cattle made use of in the removing, carrying, or exporting any metal which shall have been sold, purchased, exchanged, bartered, exported, or otherwise dealt with by any person or in any way or particular contrary to or in contravention of any of the requirements or provisions of this Act, shall and may be seized, detained, confiscated, sold, restored, or otherwise dealt with in the same manner as in the "Tariff Collection Act" provided with respect to any vessel, boat, carriage, cart, or other vehicle, horse, mule, donkey, or cattle used for the purpose of removing or carrying any goods, wares, or merchandise by such "Tariff Collection Act" made liable to forfeiture, and the proceeds of the sale of any such vessel, boat, carriage, cart, or other vehicle, horse, mule, donkey, or cattle shall be applied as herein-after provided with reference to forfeitures and penalties.

No. 191.

As to actions against any person acting under authority of Act.

12. No action shall be brought against any person for anything done under the provisions or authority of this Act except within six months of the doing of any such thing complained of, and in every such action the defendant may plead the general issue and give this Act in evidence; and if the plaintiff in any such action shall be nonsuit or shall discontinue such action, or if there shall be a verdict or judgment against him in any such action, he shall pay to the defendant, who may recover the same by due process, treble costs, unless the judge before whom any such action shall be tried shall certify that there was ground for bringing such action.

Penalties.

13. Every person who shall do or omit to do anything which is by this Act forbidden or required to be done, or shall assault, resist, oppose, hinder, prevent, or obstruct any person acting under and by the authority of this Act, or shall in any way violate or assist in or be party to the violation of any of the provisions of this Act, shall be liable on summary conviction before a police magistrate to forfeit and pay (and in cases where anything is hereby made liable to forfeiture, beyond the forfeiture of such thing) any sum of money not exceeding twenty pounds as to the convicting magistrate shall seem meet, and in default of payment of such sum and the costs (if any) within such time as the convicting magistrate shall direct shall be liable to be committed to the common goal, there to be imprisoned, with or without hard labour, for any time not exceeding

three months as the convicting magistrate shall direct, or until such sum of money and costs shall have been sooner paid.

14. Every person against whom a police magistrate shall decide or who shall be convicted under this Act shall have a right to and may prosecute an appeal from any such decision or conviction under the circumstances and in every case and in the manner allowed and directed with respect to appeals in and by the "Act to facilitate the Performance of the Duties of the Police Magistrate with respect to Summary Convictions and Orders."

Appeal

No. 169, s. 28.

15. All penalties and forfeitures payable and recovered under this Act shall, after deducting all charges attending and incidental to the recovery thereof, be applied as follows:—one moiety thereof shall be paid to the person or persons informing of the act or thing or seizing the thing on account of or whereby such penalty or forfeiture arises, becomes payable, and is recovered (and such person shall be a competent witness in the prosecution of the complaint or case lodged or proceeded on for the recovery of any such penalty or forfeiture), and the other moiety thereof shall be paid into the public Treasury for the public uses of the Colony.

Application of ties and forfeitu

16. All sums paid for licences or permits under this Act shall be paid into the public Treasury for the public uses of the Colony.

Application of lic fees.

17. This Act may be cited as the "Metal Act."

Short title of Act.

SCHEDULE A.

A.B. is authorized and licensed to be a general dealer in and to purchase iron, copper, lead, brass, zinc, or other metal from any person whatsoever.

Dated this day of one thousand eight hundred and sixty
Inspector General of Police.

SCHEDULE B.

A.B. is authorized to and may export from this Island

Dated this day of one thousand eight hundred and sixty
Treasurer.

No. 204.

AN ACT to repress Trespasses of Stock.

[Dated 3rd December 1863; Left to its operation by Order in Council dated 7th April 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows:

1. The several pounds in use at the passing of this Act as public pounds shall continue to be public pounds, and shall from time to time be repaired at the public expense under the order and direction of the vestry of the parish in which such pound shall be situate.

Public pounds in use.

Repairs.

2. A pound keeper shall be appointed to each by the vestry of the parish in which such pound is situate, with a salary to be paid by the parish, and such pound keeper shall be removable at the discretion of such vestry.

Appointment of pound keeper.

3. The several pound keepers in office at the passing of this Act shall continue to act for the term of their appointment as if this Act had not been passed.

Acting pound keepers continued in office.

Animals trespassing may be impounded.

4. It shall be lawful for the proprietor, possessor, or person in charge of any plantation, estate, or other land to cause any horse, mule, ass, ox, or other cattle, or any sheep, goat, or swine which shall be found trespassing on such plantation, estate, or land, to be captured and impounded in the pound of the parish in which such trespass shall be committed.

Notice of impounding to be given by pound keeper.

5. The pound keeper to whose custody any animal shall be committed shall with all convenient speed give notice in writing of the impounding of such animal to the owner, if the owner be known, and for such notice shall be entitled to the sum of one shilling.

Notice fee.

Fines and allowances for the animals impounded.

6. The following fines, exclusive of the notice fee and allowances, shall be payable to the pound keeper; that is to say, for the release of every horse, mule, ass, ox, or other cattle, a fine of four shillings, three fourths of which shall be paid by the pound keeper to the person impounding the same, and one fourth shall be retained by the pound keeper as a compensation for securing the same, with an allowance of one shilling *per* day for feeding the same; and for the release of every sheep, goat, or swine, a fine of two shillings shall be paid, three fourths of which shall be paid by the pound keeper to the person impounding the same, and one fourth shall be retained by the pound keeper as a compensation for securing the same, with an allowance of fourpence *per* day for feeding the same.

Sale of animals impounded.

7. If any horse, mule, ass, ox, or other cattle so impounded shall not be redeemed within five days after such impounding, or if any sheep, goat, or swine so impounded shall not be redeemed within three days after such impounding, the same at the expiration of the five or three days, as the case may be, shall be sold by public outcry at the nearest city, town, or village; and the proceeds arising from the sale thereof, after deducting the notice fee, fine, and allowances, and two shillings as and for expenses attending the sale, shall be paid by the pound keeper to the owner of the animal so sold, and in case no application by or on behalf of the owner shall be made within twenty-one days after such sale shall have taken place, the said proceeds shall be paid to the Treasurer on the public account.

Punishment of pound keeper for not providing food and water or giving notice.

8. If any pound keeper shall fail to provide sufficient food and water for any animal impounded, or shall fail to give notice, if notice be practicable, of such impounding, he shall on conviction thereof before a police magistrate be liable to a penalty not exceeding ten pounds, and on nonpayment thereof to be imprisoned in the common gaol for any period not exceeding thirty days.

Animals trespassing may be impounded on plantation, &c.

9. It shall be lawful for the proprietor, possessor, or person in charge of any plantation, estate, or other land, to cause any horse, mule, ass, ox, or other cattle, sheep, goat, or swine, found trespassing on the same to be impounded on such plantation, estate, or other land; and such proprietor, possessor, or person shall with all convenient speed give notice in writing to the owner thereof, or to his attorney or agent, if known, of such impounding, and if the fine and allowance herein-before made payable upon the release of any such animal from the public pound, together with the further sum of one shilling for the notice aforesaid, shall not be paid within forty-eight hours after the delivery of such notice, it shall be lawful for such proprietor, possessor, or person in charge to insert an advertisement in one of the public newspapers, offering the animal so impounded for sale, and after seven days from the appointed day of publication of such newspaper to proceed to sell the same by a constable at the nearest city, town, or village, and such proprietor, possessor, or person in charge shall in the first place, out of the proceeds of the sale, pay to the constable as a compensation for his trouble the sum of two shillings and eightpence, and shall retain out of the balance of the said proceeds the notice fee, fine, and allowance hereby

Duty of proprietor of plantation.

Advertisement.
Sale of animal.

Disposal of proceeds.

authorized and the cost of the advertisement, and shall pay the surplus, if any, to the owner of the animal sold, on his application for the same, and if there shall be no such application, or if the owner shall not be ascertained within seven days from the day of such sale, then such surplus shall be paid into the treasury on the public account; and if the animal so impounded cannot be identified as particular property, the party impounding shall advertise the same for sale at least seven days before the sale thereof, and shall in such advertisement accurately describe such animal and state the time and place of impounding the same and the period and place of such intended sale; and the surplus proceeds, if any, of such sale after making the deductions aforesaid shall be paid into the treasury, and if such surplus shall not be claimed by the owner within thirty days the same shall be applied to the credit of the public: Provided always, that if any proprietor, possessor, or person in charge of any plantation, estate, or other land shall fail to provide sufficient food and water for any animal so impounded, or shall fail to give notice, if notice be practicable, of such impounding, he shall upon conviction thereof before a police magistrate be subject to a penalty not exceeding ten pounds, and on nonpayment thereof to be imprisoned in the common gaol for any period not exceeding thirty days.

Penalty on proprietor of plantation failing to provide food and water.

10. Any person who shall illegally impound or illegally capture for the purpose of impounding any animal as aforesaid, shall, on conviction thereof before a police magistrate, upon testimony other than that of the owner of the animal so impounded or captured, be liable to a penalty not exceeding five pounds, and on nonpayment thereof to be imprisoned in the common gaol for any period not exceeding thirty days; and it shall be lawful for such magistrate to award the penalty imposed upon the offender to be paid to the owner of the animal so illegally impounded or captured, and in the event of the nonpayment of the penalty so imposed to order and direct the release of any animal so impounded upon payment of the owner thereof to the pound keeper of any expense which shall have been incurred for securing and feeding the same.

Illegal impounding or capture of animals.

11. Any person who shall rescue or attempt to rescue any animal impounded or about to be impounded under the authority of this Act, shall on conviction thereof before a police magistrate be liable to a penalty of not more than five pounds, or in the discretion of the magistrate may be imprisoned in the common gaol, with or without hard labour, for any time not exceeding one calendar month, and in either case the magistrate may also award to the party aggrieved a sum equal to the aggregate sum which he would have been entitled to receive upon the release of such animal, and upon nonpayment thereof the party so offending shall be committed to the common gaol, with or without hard labour, for a period not exceeding thirty days.

Rescue of animals impounded.

12. Any proprietor, possessor, or person in charge of any plantation, estate, or other land, who shall consider the fines herein-before authorized an inadequate compensation for damage sustained, and shall not claim a sum exceeding ten pounds in respect to the damage committed, may prefer his complaint to the police magistrate of the district, who is hereby authorized to adjudicate upon such complaint in the manner of any other complaint under the Act "to facilitate the Performance of the Duties of Justices of the Peace with respect to Summary Convictions and Orders," and the police magistrate may award any sum by way of compensation, not exceeding ten pounds, to the party aggrieved, besides costs, and in default of payment it shall be lawful for the magistrate to commit the offender to the common gaol, with or without hard labour, for any period not exceeding three months.

Compensation not exceeding 10*l.* may be recovered before magistrate when fine inadequate.

No. 169.

13. If any damage shall be committed by the trespass of cattle which cannot by reason of their wildness be impounded, and which cannot be identified as

Damage by wild cattle.

particular property, it shall be lawful for a police magistrate, upon application of the proprietor or possessor of land sustaining such damage, or his agent, and proof upon oath of the facts aforesaid, to issue his warrant to such proprietor or possessor, or his agent, authorizing such proprietor or possessor, or his agent, to shoot or otherwise destroy such cattle while in the act of trespassing, but not otherwise, and if upon such shooting or destroying the cattle shot or destroyed shall be identified as particular property, notice in writing of such shooting or destroying shall be given by the proprietor or possessor of land, or his agent, to the owner of the animal shot or destroyed, within twelve hours of such identification, and for the omission of such notice such proprietor, possessor, or agent shall upon conviction before a police magistrate be liable to a penalty not exceeding ten pounds, and if the owner of such animal shall not remove the carcase within twelve hours after the receipt of such notice, or if the owner shall not be identified, such carcase shall be considered as abandoned by the owner and shall be deemed the property of the party aggrieved.

Goats, swine, dogs, and feathered stock trespassing may be destroyed.

Notice thereof.

Removal of such animal or stock.

Party aggrieved by trespass may instead of destroying such animal or stock apply to police magistrate for redress.

No. 169.

14. It shall be lawful for any proprietor, possessor, or other person in charge of any plantation, estate, or other land to shoot or otherwise destroy any goat, swine, dog, or feathered stock which shall be found trespassing upon any such plantation, estate, or other land; and if upon such shooting or destroying the goat, dog, swine, or feathered stock shot or otherwise destroyed shall be identified as particular property, notice in writing of such shooting or destroying shall be given by the proprietor or possessor of land, or his agent, to the owner of the animal or stock shot or destroyed, within twelve hours of such identification; and for the omission of such notice such proprietor, possessor, or agent shall upon conviction thereof before a police magistrate be liable to a penalty not exceeding two pounds; and if the owner of such animal or stock shall not remove the same within twelve hours after the receipt of such notice, or if the property cannot be identified, the same shall be considered as abandoned and be deemed the property of the party aggrieved.

15. The party aggrieved by the trespass of any animal or stock in the last section mentioned may, instead of shooting or destroying any such animal or stock, prefer his complaint to a police magistrate, who shall adjudicate thereon as in the case of a complaint preferred under the "Act to facilitate the Performance of the Duties of Justices of the Peace with respect to Summary Convictions and Orders," and the police magistrate may award to the party aggrieved any sum not exceeding ten pounds, besides costs, to be recovered as in the case of compensation of costs awarded in malicious injuries to property, and in default of payment it shall be lawful for the police magistrate to commit the offender to the common gaol, with or without hard labour, for any period not exceeding one month.

Appropriation of fines and penalties.

Repeal of Act.

16. All fines and penalties other than monies payable to the party aggrieved or specially appropriated under this Act shall be payable to Her Majesty, Her heirs and successors, for the use of the Colony.

17. Repeals former Act.

18. And whereas certain public lands contiguous to the poorhouse and common gaol, bounded to the east by lands of Henry Liggins, esquire, to the north by the high road, to the south by the high road, and to the west by East Street, are exposed to frequent trespasses of horned cattle and other animals, and it is expedient to repress the same:

Animals trespassing on certain lands may be impounded by master of poorhouse and gaol keeper.

Be it enacted, That it shall be lawful for the master of the poorhouse and the keeper of the common gaol respectively, and any person authorized to act on their behalf respectively, to impound such horned cattle and other animals

found trespassing upon the said lands; and all and singular the enactments, powers, and provisions herein-before enacted and contained in relation to such trespasses of horned cattle and other animals upon lands which are private property shall be and the same are hereby declared to be applicable and in force in relation to such trespasses of horned cattle and other animals upon the said public lands.

No. 205.

AN ACT to make Provision for the keeping up and Management of the Lunatic Asylum.

[Dated 3rd December 1863.]

BE it enacted by the Governor, the Council, and Assembly as follows:

1. The buildings at present used for the purposes of a lunatic asylum shall continue to be used for such purposes. Asylum.

2. It shall be lawful for the Governor to issue a commission under his hand and seal appointing seven persons, one at least of whom shall be a member of the Legislative Council, and two at least of whom shall be members of the House of Assembly, to be the guardians of the lunatic asylum, and such commission at any time and from time to time to revoke, and other such commission or commissions to issue, and any three of such guardians for the time being shall form a quorum for the transaction of business. Appointment of guardians.

3. The said guardians shall and may frame rules and regulations and from time to time alter or amend any of such rules and regulations for the good government, preservation of order, care and custody of the inmates, and touching all matters of detail as to the internal economy and management of the said asylum, and declaring the duties of the several officers of the said asylum, which rules and regulations, or altered or amended rules and regulations, shall, as confirmed or as altered and confirmed by the Governor, Council, and Assembly, have the force and effect of law. Rules.

4. The Governor may from time to time appoint one surgeon and one superintendent of the said lunatic asylum. Surgeon and superintendent.

5. The said guardians shall and may from time to time appoint for the said lunatic asylum a matron, a keeper, sub-keepers not exceeding two, and nurses not exceeding two, and any such matron, keeper, sub-keepers, or nurse dismiss, and appoint another or others in any of their stead. Subordinate officers.

6. There shall be paid to the officers so appointed on the warrant of the Governor the annual salaries following: Salaries of officers.

To the surgeon, including medicines, eighty pounds:

To the superintendent, one hundred pounds:

To the matron, thirty-six pounds:

To the keeper, thirty pounds:

To a sub-keeper, twenty pounds:

To a nurse, twenty pounds.

7. It shall be lawful for a police magistrate, by warrant under his hand and seal in the form set forth in the Schedule A. to this Act annexed, to commit to the said lunatic asylum for safe keeping, care, and custody any person who shall be declared by a certificate under the hand of one duly qualified medical practitioner (to whom there shall be paid for such certificate on the warrant of the Governor the sum of one pound) to be a lunatic, or an idiot, or a person of unsound mind requiring to be taken charge of and detained under care and treatment, and such medical certificate shall be in the form set forth in Schedule B. to this Act. Police magistrate by warrant may commit lunatic, idiot, or person of unsound mind to asylum.

Such lunatic, idiot, or person of unsound mind may be delivered up to his friends.

8. If the friends or relations of any lunatic, idiot, or person of unsound mind shall satisfy the police magistrate that they will effectually, safely, and properly keep, take charge of, and treat any such lunatic, idiot, or person of unsound mind, the police magistrate shall not commit to the lunatic asylum such lunatic, idiot, or person of unsound mind, but shall allow him to remain in the care and custody of such his friends or relations undertaking to keep, take charge of, and treat such lunatic, idiot, or person of unsound mind; provided that in the event of such friends or relations failing effectually, safely, and properly to keep, take charge of, and treat any such lunatic, idiot, or person of unsound mind, it shall be lawful for the police magistrate to commit any such lunatic, idiot, or person of unsound mind to the said lunatic asylum in the way mentioned and directed in the last preceding clause.

Provision for maintaining asylum.

9. There shall be paid on the warrant of the Governor such sums as shall from time to time be required for the purposes of the said lunatic asylum; provided that the aggregate of such sum do not exceed in any one year the sum of eight hundred pounds, exclusive of and beyond the salaries of the said officers by this Act allowed and made payable.

Title of ct.

10. This Act may be cited as the "Lunatic Asylum Act."

SCHEDULE A.

WARRANT OF POLICE MAGISTRATE.

I, _____ the undersigned police magistrate in and for the parish of _____ having called to my assistance _____ a duly qualified medical practitioner, whose certificate is hereto annexed, and having personally examined _____ and being satisfied that the said _____ is a lunatic, (or an idiot, or a person of unsound mind, as the case may be,) and a proper person to be taken charge of and detained under care and treatment, do hereby direct you to receive the said _____ into the lunatic asylum.

Dated this _____ day of _____

(Signed) A.B., Police Magistrate.

To the Superintendent of the Lunatic Asylum.

SCHEDULE B.

CERTIFICATE OF MEDICAL PRACTITIONER.

I, _____ the undersigned duly qualified medical practitioner, do hereby certify that I on the _____ day of _____ personally examined _____ and that the said _____ is a lunatic, (or idiot, or person of unsound mind, as the case may be,) and a proper person to be taken charge of and detained under care and treatment.

Dated this _____ day of _____ 186 .

(Signed) C.D.

RULES AND REGULATIONS FOR THE GOVERNMENT AND MANAGEMENT OF THE LUNATIC ASYLUM.

Approved and confirmed.

STEPHEN J. HILL.

1. That a book is to be kept in which an entry is to be made of the christian name and surname of every person admitted into the asylum, also the complexion, sex, and age of the patient, and whether single or married, his or her late occupation and place of residence, name of the committing authority and medical examiner, date of examination and admission, cause of insanity,

when ascertainable, and whether the patient has ever, and how often, been subject to previous attacks of the disease.

2. A medical journal is to be kept for the entry of the surgeon's prescriptions and remarks, which is to be accessible to the guardians whenever they visit.

3. All patients on admission are to be stripped and examined with gentleness, the males by one of the male attendants, and the female patients by one of the nurses; they are to be carefully washed, either with tepid or cold water, as the superintendent may think necessary, and be clothed in the dress of the asylum; provided that in the event of any patient being too violent to allow of the carrying out of this regulation no force shall be used, but the patient shall be placed in one of the wards until the surgeon, to whom such case shall be communicated with the least practicable delay, shall have seen and given directions for the treatment of such patient.

4. The sexes are to be kept separate.

5. The patients are to be divided as far as is practicable into three classes—the dangerous, the harmless, and the convalescent.

6. All the patients capable of working are to be employed daily in some occupation suited to their condition and ability, under the direction of the surgeon.

7. The wards are to be opened from sunrise to sunset as a general rule, but this may be varied according to the discretionary power of the surgeon. Breakfast is to be punctually served out at 8 a.m., and dinner at 4 p.m., the superintendent to see each meal distributed.

8. The wards are to be cleaned daily, with the assistance of the inmates who are able; the patients are to be washed and combed and made ready for breakfast. Two rooms are to be allotted to excited or dangerous patients whom it may be necessary to keep in confinement, one for occupation at night and the other during the day.

9. Wooden spreaders, or iron bedsteads with canvas bottoms, are to be supplied to patients who are cleanly and quiet, and to the convalescent.

10. No patient shall be struck, but those who are disobedient or refractory are to be placed in seclusion; but where their violence is so great as to inflict injury on their own or other persons, or the buildings, the mechanical restraint of an osnaburg sack or leathern straps or manacles is to be had recourse to, but in every instance of the patient being placed under such restraint the superintendent shall note the same in his journal, and report it at the earliest practicable opportunity to the surgeon.

11. The ordinary diet to be fixed according to the annexed table. The diet of the sick is to be specified by the surgeon.

12. Each patient belonging to the second class is to be supplied with two suits of osnaburg clothing half-yearly; the patients of the first class to be clothed as directed by the surgeon.

13. Each ward is to be supplied with proper utensils for the reception of excrementitious matters.

14. The medical attendant to visit twice a week, and more frequently when necessary.

The Superintendent.

15. The superintendent shall be under the control of the guardians, and in everything pertaining to the maintenance, care, occupation, and amusement of the patient he shall be under the control of the surgeon.

16. He shall reside in a residence provided for him within the premises.

17. He shall have no other occupation whatever, but shall devote the whole of his time to the duties of his office, and shall in no case be absent from his residence for the night without the leave of the chairman or acting chairman of the guardians or the surgeon.

18. He shall have control over the male and female attendants and over the cook, as well as over matters not relating to the treatment of the patients, and shall have power to send out of the asylum any of such attendants or servants for misconduct, reporting the same to the guardians or surgeon.

19. He shall have the custody of and be responsible for the quantity and quality of all furniture, bedding, clothing, and articles of domestic use or consumption, and shall superintend their distribution and proper repair. He shall also lay before the guardians an account of such things as shall from time to time be required in the asylum, and shall purchase nothing without a proper order, and receive nothing without an invoice, which is to be carefully checked and filed.

20. He shall keep a book in which the receipt and distribution of the articles mentioned in the preceding rule shall be entered, and shall from time to time prepare abstracts of the same for the consideration of the guardians.

21. He shall immediately communicate the discharge of patients to their friends and relations.

22. He shall take care that the servants under his control be faithful and diligent in the performance of their several duties, and that they observe the strictest propriety in their conduct and demeanour.

The Matron.

23. The matron shall be under the control of the superintendent and surgeon.

24. She shall be responsible for the prompt and accurate execution of all the directions of the surgeon, and under his guidance shall endeavour to select suitable employment, amusement, and instruction for the female patients.

25. She shall inspect the apartments of the female patients at least twice a day and be responsible for their neat and cleanly appearance as far as is possible, and shall take care that the apartments are kept free from offensive smells, and she shall uniformly enforce on the female attendants the constant exercise of gentleness and kindness in the performance of their several duties.

26. She shall take stock of all the asylum clothing, bedding, &c. at least once in every quarter, and enter the same in a book to be kept for that purpose.

The Attendants.

27. All the attendants and servants of the establishment shall render a punctual and cheerful obedience to the orders of their superior officers, and shall endeavour by every means in their power to carry the rules laid down for the good government of the asylum into effect; and they shall be ready at all times to assist each other in the discharge of their respective duties, and in all cases they shall have strict regard to the comfort of the patients, the interest of the asylum, and the wishes of the guardians.

The Guardians.

28. The guardians shall meet on the first Friday of each month for the purpose of hearing reports and discussing matters relating to the working of the asylum, and one of their number in rotation shall pay occasional unexpected

visits, a note of such visit, with observations setting forth the state of the asylum and the general management, as the inspection may suggest, to be entered in a book.

General Duties.

29. The whole time of the attendants during the day is expected to be devoted to the patients; they are to pay constant attention to their food, dress, occupation, exercise, amusement, and general conduct, and to prevent every kind of impropriety of manner and language.

30. The attendants are on no account to punish the patients for their misconduct, but they are at all times to endeavour to put a stop to any misconduct and to prevent quarrels and violence; they must not use harsh or intemperate language to the patients, whatever their language or conduct may be. The attendants must endeavour to be calm and forbearing and never speak to the patients in a loud or scolding manner.

31. When a patient cannot be soothed or controlled by gentle means he or she must be put as quietly as possible into a ward and locked up; the wooden shutter of the room must be closed.

32. The sickness of any patient must be immediately reported to the surgeon and the strictest attention paid to the administration of the medicines, &c. ordered by him.

33. There shall be allowed to the patients, under the discretion and direction of the surgeon, snuff and tobacco, and any patient may, with the consent of the surgeon, be visited by a relation or friend by an order in writing from him, and such order of admission may be for a single admission or otherwise, as may be therein expressed.

34. There shall be printed in large letters and placed in different parts of the asylum the following notice:

“No one is qualified to be an officer, a keeper, or nurse, or a servant in the asylum, who is not able and disposed to make every part of his or her personal conduct more or less conducive to one great end, the comfort and care of the patients.”

The above rules and regulations were framed, approved, and passed by the guardians of the lunatic asylum on the 5th day of February 1864.

By order of the Guardians.

G. C. DAVIS.

House of Assembly, 18th February 1864.

Approved.

O. NUGENT,

Speaker.

Board of Council, 18th February 1864.

Approved by Command.

EDWIN D. BAYNES,

Colonial Secretary and Clerk of the Council.

DIETARY.

Breakfast.

9 oz. bread ; 1 pint hot water sweetened with sugar ; or the same quantity of coffee, or cocoa, at the discretion of the surgeon.

Dinner.

Sunday and Thursday.	Monday and Friday.	Tuesday and Saturday.	Wednesday.
6 oz. salt pork, 8 oz. rice, or potatoes, or other vegetable, as directed by the surgeon.	3 oz. salt pork, 1 pint peas soup, 8 oz. flour made into dumplings.	8 oz. fresh meat, 1 pint broth, 9 oz. bread, $1\frac{1}{2}$ lbs. potatoes or yams, or other vegetables.	8 oz. salt fish, seasoned with butter or lard or oil, 8 oz. meal made into fungee, with vegetables.

Hospital Diet.

Full Diet.	Half Diet.	Low Diet.	Fever Diet.
1 quart of gruel or tea, 1 oz. sugar, 12 oz. bread, 6 oz. mutton or beef, half of a chicken, 1 pint broth.	1 quart of gruel or arrowroot or tea, 1 oz. sugar, 9 oz. bread, 1 pint of milk or chicken soup or beef tea.	1 quart of gruel or arrowroot, 1 oz. sugar, 6 oz. bread.	1 quart of gruel or arrowroot or barley water, 1 oz. sugar.

BROTH.—Each pint to be made with $\frac{1}{2}$ lb. of beef or mutton or lean pork, thickened with a spoonful of rice or barley or potatoes, and seasoned with pepper and salt.

CHICKEN SOUP.—Each pint to contain half a chicken, with a spoonful of rice and a sufficient quantity of salt.

GRUEL.—Three ounces of oatmeal to a quart of water.

BEEF TEA.—Half a pound of lean beef to each pint, with salt.

ARROWROOT.—Three ounces arrowroot to a quart of water.

TEA.—One quarter of an ounce black tea for each meal.

No. 206.

AN ACT to make Provision as to the keeping of Accounts of Monies in Hands of Public Officers, Boards, and Institutions.

[Dated 3rd February 1863 ; Left to its operation by Order in Council dated 7th April 1864.]

WHEREAS it is expedient to make provision for the statement, auditing, and passing of accounts of monies paid, received, and expended to and by public officers, boards, institutions, and persons in or under whose care, custody, or disposal any of the public monies are or have been placed for public purposes, with a view to the better regulation and arrangement of the revenue and expenditure :

Be it enacted by the Governor, the Council, and Assembly, as follows :—

1. Every public officer, board, institution, or person drawing, receiving, or having at his, its, or their disposal any of the public monies for public purposes, shall on the first day of every month, or as soon thereafter as possible, render and supply to the board of audit in duplicate an account or statement in detail of the amount of money within the then last preceding month drawn, received, or expended by any such public officer, board, institution, or person.

Public officer receiving public monies to render monthly account to audit board of receipt and expenditure.

2. A copy of every such account shall be laid before the Council and Assembly at the first meeting of the Council and Assembly after such account shall have been audited, allowed, and passed, and all such accounts shall be printed in the contract newspaper every three months.

Copy of account to be laid before Council and Assembly and published.

3. Every public officer receiving monies due and payable to the public Treasury shall on the first day of every month, or as soon thereafter as possible, pay the same into the public Treasury, and at the same time deliver to the Treasurer an account or statement in detail of the persons and on and for what accounts or purposes such monies shall have been received, and shall also at the same time deliver to the board of audit a copy of such account or statement, and every such account or statement shall be signed and certified as correct by the officer making the same.

Public officer receiving monies payable to the Treasury to pay over same monthly, and to render certain accounts.

4. Until such accounts or statements as are hereby required shall have been supplied and rendered as required by this Act, and the Treasurer shall have received notice from the board of audit that they have been supplied with such accounts or statements, no further monies, and in the case of a public officer no further salary shall be paid to or placed at the disposal of any such public officer, board, institution, or person failing to deliver and supply such accounts or statements, any Act to the contrary notwithstanding; and the Treasurer shall and is hereby authorized to refuse to pay any such salary or monies until he shall have received such notice.

No further money or salary to be paid to any public officer until delivery of accounts.

5. Where in any Act, either already passed or hereafter to be passed, it is declared that a certain sum only is to be drawn for the purposes of any board, institution, or public work or purpose in any one year, the year shall for such purposes, as also for all purposes of keeping public accounts, be taken to commence on the first day of January and to terminate on the 31st day of December, and where any such Act comes into force and operation at any time between those said days, an adequate or proportionate part only in proportion to the then coming and unexpired portion of the year shall be allowed and drawn.

Proportionate issue of public monies granted for one year.

No. 207.

AN ACT to grant a Subsidy towards the Expenses of introducing and keeping a Supply of Ice in the Colony.

[Dated 8th March; Left to its operation by Order in Council dated 10th June 1864.]

WHEREAS it is desirable to encourage the introduction and the keeping a continual supply of ice into and in this Colony: And whereas "Messrs. George A. Phillips, Brothers, & Co." have already imported into this Island a cargo of ice and have petitioned the Legislature for a certain grant of money towards the expenses incurred by the introduction and keeping of ice in this Colony: And whereas it is expedient on certain conditions to grant such aid to the said Messrs. Geo. A. Phillips, Brothers, & Co., as unless a grant in aid be made to

the said Messrs. Geo. A. Phillips, Brothers, & Co. they cannot continue the importation and keeping a supply of ice into and in this Island:

Be it enacted by the Governor, the Council, and Assembly as follows:

Grant of 150*l.* per annum for three years.

1. There shall be granted and paid to Messrs. George A. Phillips, Brothers, & Co. the annual sum of one hundred and fifty pounds for the space of three years from the day of the date of this Act, such sum to be paid every three months on the warrant of the Governor, the first of such payments to be made three months from the day of the date of this Act.

Condition of grant.

2. The condition of such grant or aid is that the said Messrs. George A. Phillips, Brothers, & Co. do regularly, continually, and always keep on hand a supply of ice in this Island, and do also from time to time, and as often as the same shall be required for such purposes, supply the Holberton Hospital, poor-house, gaol, and lunatic asylum with ice free of any charge whatsoever, on the requisition of the surgeon or medical officer of the same respectively, and do also sell ice to any person requiring ice at the rate or charge not exceeding three-pence per pound.

Failure of supply.

3. If at any time the said Messrs. George A. Phillips, Brothers, & Co. shall in any way fail to comply with and observe the conditions on and under which there is hereby made payable to them such grant as aforesaid, then the said Messrs. George A. Phillips, Brothers, & Company shall forfeit and shall not receive on the next day on which any sum is hereby made payable the amount which is hereby made payable to them: Provided that if the said Messrs. George A. Phillips, Brothers, & Co. shall afford a good and satisfactory reason or excuse to the Governor for any such non-compliance or non-observance of any one or more of such conditions as aforesaid, it shall be lawful for the Governor to remit such proportion and issue his warrant for the amount which under the provisions of this clause would otherwise have been forfeited, or for so much thereof as he may see fit.

No. 208.

AN ACT to provide for the Abolition of unnecessary Oaths.

[*Dated 8th March; Left to its operation by Order in Council dated 10th June 1864.*]

BE it enacted by the Governor, the Council, and Assembly as follows:

5 & 6 W. 4. c. 62.

Justices not to administer oaths touching matters whereof they have no jurisdiction by statute.

Proviso.

1. It shall not be lawful for any justice of the peace or other person to administer, or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: Provided that this Act shall not extend to any oath, affidavit, or solemn affirmation before any justice in any matter or thing touching the preservation of the peace or the prosecution or punishment of offences, nor to any oath, affidavit, or affirmation which may be required by the laws of any other place or country to give validity to instruments in writing designed to be used in such place or country.

Voluntary declaration in form in schedule may be taken.

2. And whereas it may be necessary and proper to require proof of debts and confirmation of other matters: Be it enacted, That it shall be lawful for the Chief Justice or Puisne Justice or any police magistrate or notary public to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this Act annexed, and if any declaration so made shall be false or untrue in any material particular the person wilfully making

such false declaration and any person making use thereof with intent to deceive, knowing the same to be false, shall be guilty of a misdemeanor.

3. The like fees shall be payable in respect of a declaration authorized by this Act as would be payable on making any legal oath, solemn affirmation, or affidavit. Fee on declaration.

4. Nothing in this Act shall extend or apply to the oath of allegiance or the oath of affirmation substituted for the oaths of allegiance, supremacy, and abjuration, which shall continue to be required, administered, and taken as if this Act had not been passed. Oath of allegiance still required.

5. Nothing in this Act shall extend or apply to any oath, solemn affirmation, or affidavit in any judicial proceeding in any court of justice, or in any proceeding for or by way of summary conviction before any justice of the peace. Oaths in courts of justice still required.

6. Nothing in this Act shall extend or apply to any oath or solemn affirmation which now is or hereafter may be required to be made or taken under or by virtue of any commission of Her Majesty, Her heirs or successors, or for the due execution of any office or employment. Oaths required by Royal commission and oaths of office still required.

7. Nothing in this Act shall limit the operation of the Act of Parliament 5 & 6 William 4. c. 62. Act not to limit operation of 5 & 6 W. 4. c. 62.

SCHEDULE.

I *A.B.* do solemnly and sincerely declare that and I make this solemn
 declaration conscientiously believing the same to be true, and under and by virtue of
 the Act of the Legislature of Antigua in that case made and provided.

No. 209.

AN ACT to make Provision with regard to certain Treasury Bills.

[Dated 5th May; Left to its operation by Order in Council dated 27th August 1864.]

WHEREAS under an Act entitled "An Act to authorize the Treasurer and Accountant to raise a Loan of Six thousand Pounds Sterling by the Issue of Treasury Bills and for securing the Repayment of the same," Treasury bills for the sum of one pound each to the extent of and for the sum of two thousand pounds were put and now continue in circulation: And whereas many of such bills have become defaced and injured, and it is advisable to provide for the renewal of the same: Recites Act of 18th December 1857.

Be it enacted by the Governor, the Council, and Assembly as follows:

1. It shall be lawful for the Treasurer and accountant to issue and keep in circulation the said one pound Treasury bills to the extent of and for the said sum of two thousand pounds, and every such bill shall be redeemable in specie on demand if required. Issue of Treasury bills.

2. If any of such one pound Treasury bills, whether original or renewed, shall be accidentally lost, destroyed, defaced, or otherwise injured, it shall be lawful for the Treasurer and accountant to issue in the place of such bill and renew the same by another bill signed by the Treasurer and accountant and endorsed by two of the Commissioners of the Treasury in the same form as such bills have been hitherto issued. Replacement of lost or injured bills.

Evidence of loss or destruction of bills before renewal.

No. 208.

False declaration.

Defaced or injured bills to be destroyed.

Repeal of recited Act.

Duration of Act.

3. Previously to the issue of any such other bill by way of renewal of any such lost or destroyed bill, the person making application for renewal of such lost or destroyed bill shall make a declaration of the loss or destruction of such bill in the form given in the Act for the abolition of unnecessary oaths, and shall at the same time give satisfactory security to the Treasurer and accountant for the payment of such bill declared to be lost or destroyed, if the same shall be found.

4. Any person wilfully making a declaration required by the third section of this Act false or untrue in any material particular shall be guilty of a misdemeanor.

5. On the renewal of such defaced or injured bill the Treasurer and accountant shall in the presence of two of the said commissioners destroy the defaced or injured bill previously to the renewal of the same by another bill.

6. The Act entitled "An Act to authorize the Treasurer and Accountant to raise a Loan of Six thousand Pounds Sterling by the Issue of Treasury Bills" and for securing the Repayment of the same," shall be and the same is hereby repealed.

7. This Act shall be and continue to be in force for five years.

No. 210.

AN ACT relating to Bills of Exchange and Promissory Notes.

[Dated 5th May ; Left to its operation by Order in Council dated 27th August 1864.]

BE it declared and enacted by the Governor, Council, and Assembly as follows :

Bills and notes due on Good Friday and certain other days to be payable on the preceding day.

39 & 40 Geo. 3. c. 42.

Notice of dishonour of certain bills and notes when to be given.

7 & 8 Geo. 4. c. 15.

Good Friday and certain other days to be considered as Sunday.

7 & 8 Geo. 4. c. 15, s. 3.

1. In all cases where bills of exchange or promissory notes shall become due and payable on Good Friday, Christmas day, or on any day appointed by the proclamation of the Governor in Council of this Colony for a day of solemn fast or a day of thanksgiving, the same shall be payable on the day next preceding Good Friday, Christmas day, or such day of fast or day of thanksgiving, and in case of nonpayment may be noted and protested on such preceding day.

2. In all cases where bills of exchange or promissory notes shall be payable either under or by virtue of this Act or otherwise on the day preceding any Good Friday, or on the day preceding any Christmas day, or day of fast or day of thanksgiving, it shall not be necessary for the holders of such bills of exchange or promissory notes to give notice of the dishonour thereof until the day next after such Good Friday, Christmas day, or day of fast or day of thanksgiving, and whenever Christmas day or such day of fast or day of thanksgiving shall fall on a Monday, it shall not be necessary for the holders of such bills of exchange or promissory notes as shall be payable on the preceding Saturday to give notice of the dishonour thereof until the Tuesday next after such Christmas day or after such day of fast or day of thanksgiving respectively ; and every such notice given as aforesaid shall be valid and effectual to all intents and purposes.

3. Good Friday, Christmas day, and every such day of fast or day of thanksgiving so appointed by the Governor in Council of this Colony is and shall for all other purposes whatever as regards bills of exchange and promissory notes be treated and considered as the Lord's day, commonly called Sunday.

4. The acceptance of a bill of exchange payable at a bank or other place without further expression in the acceptance shall be deemed a general acceptance of such bill; but if the acceptor shall in his acceptance express that he accepts the bill payable at a bank or other place only, and not otherwise or elsewhere, such acceptance shall be deemed a qualified acceptance of such bill.

1 & 2 Geo. 4. c. 78.
General acceptance.
Qualified acceptance.

No. 211.

AN ACT to provide for the extending the Time for the Payment of the Amount due by private Persons to the Loan Commissioners.
[Dated 7th May; Left to its operation by Order in Council dated 27th August 1864.]

Nos. 86, 111, 114, 116.

WHEREAS in consequence of the protracted drought and other causes there prevails great depression in the agricultural as well as the commercial interests: And whereas the enforcing of the payment of the instalment of principal due in May next to the loan commissioners by the private persons who borrowed from the loan commissioners would create difficulty and distress, and it is desirable to grant an extension of time for the payment of such instalment of principal money:

Be it enacted by the Governor, the Council, and the Assembly as follows:

1. The payment of the instalment of the principal sum borrowed by private individuals from the Commissioners of the Earthquake Loan and due to the Treasurer and accountant by such individuals and payable in May this year shall be and is hereby declared to be postponed, and the interest only due on such principal sum shall be payable and enforced in the said month of May.

Instalment due by borrowers of earthquake loan payable in May 1864 postponed and interest only to be then paid.

2. The whole of the principal sum now due by such private individuals to the Treasurer and accountant shall be payable in four annual instalments; the first of such annual instalments to be paid on the first day of May one thousand eight hundred and sixty-five, and the interest thereon shall be computed from the first day of May one thousand eight hundred and sixty-four, at the rate of four pounds *per centum per annum* instead of at the rate of three pounds and five shillings *per centum per annum* as heretofore.

Principal money due by borrowers to be paid in four instalments.

3. The Treasurer and accountant are hereby authorized to borrow a sum not exceeding six thousand pounds for four years at a rate of interest not exceeding four pounds *per centum per annum*, payable on the first day of June in the year one thousand eight hundred and sixty-five and in each succeeding year, and the amount so borrowed shall be paid to the Imperial Government on account of the amount due to the Imperial Government for the earthquake loan.

6,000*l.* to be borrowed.

4. The amount borrowed under the provisions of and for the purpose mentioned in the third section of this Act shall be repaid out of and from the monies paid by the persons to whom there is hereby granted an extended time for the payment of the amount remaining due by them to the Treasurer and accountant.

Amount borrowed to be repaid out of money paid by persons whose instalments are postponed.

5. All the powers and provisions for securing and enforcing the repayment of the amounts originally lent by the Commissioners of the Earthquake Loan as the same are at present in force may be enforced and exercised for the purpose of securing and enforcing payment to the Treasurer and accountant of the sum and sums of principal and interest monies remaining due and

Powers of Commissioners of Earthquake Loan to be exercised by Treasurer and accountant.

payable to the Treasurer and accountant under the provisions of this Act, and each and every of the instalments of the same, as they respectively become due.

Postponement of instalment due by borrowers to be optional.

6. Provided that any person so as aforesaid indebted to the said loan commissioners need not avail himself of the extension of time hereby granted, but may pay the instalment due by such person as heretofore, and the interest thereon shall in such case be paid at the rate of three pounds five shillings *per centum per annum* instead of at the said rate of four pounds *per centum per annum*.

No. 212.

AN ACT to regulate the Application of Monies raised for the Introduction of Immigrants, and to ratify certain Contracts.

[Dated 7th May ; Left to its operation by Order in Council dated 27th August 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows :

Administrative Committee, No. 156, to be commissioners of immigration. No. 183.

1. The members of the administrative committee shall and they are hereby declared to be commissioners of immigration for carrying into effect any Act vesting any power in any such commissioners, and any two of the said commissioners with the Governor shall form a quorum for the transaction of business.

Investment of immigration monies.

2. All monies raised for immigration purposes, whether remitted to an agent in England or deposited in a bank, or remaining in the hands of the Treasurer, shall be under the control and at the disposal of and may from time to time be invested in exchequer bills or other Government securities, or drawn for and applied as the said commissioners or any two of them and the Governor shall direct : Provided that no such monies shall be applied to any other than immigration purposes, except with the consent of the Governor, the Council, and Assembly.

Division of cost of immigrants.

3. Two-thirds of the cost and charges of the introduction of agricultural labourers shall be paid out of the funds raised for immigration purposes, and every person hereafter receiving any immigrant in respect of whom bounty is payable shall pay one-third of the cost of and attending the introduction of such immigrant.

Appropriation of duty on rum consumed.

4. The duty now payable on rum sold for consumption and consumed in this Colony shall be paid into the Treasury for the public uses.

Contracts with certain immigrants ratified.

5. And whereas certain contracts in writing for certain periods not exceeding three years have been made in this Island with certain immigrants from Madeira, the Azores, Cape de Verd, or Canary Islands, with the approval of a magistrate, before the passing of the Immigration Act, and with certain immigrants from those places or Barbados, with the approval of the immigration agent, since the passing of that Act to or in respect of which immigrants bounty has been paid : Be it enacted, That such contracts shall be and the same are hereby declared binding on the contractors and immigrants between whom such contracts have been so made, and all such contracts shall be treated as contracts made under the Immigration Act, but no further duty shall be required of any such immigrant than has been agreed upon by his written contract.

No. 213.

AN ACT for carrying into execution in Antigua "The West Indian Incumbered Estates Acts, 1854, 1858, 1862." [Dated 27th May 1864.]

WHEREAS by "The West Indian Incumbered Estates Acts, 1854, 1858, and 1862," it is amongst other things provided that Her Majesty may from time to time by Order in Council direct the said Act to come into operation in any of the colonies mentioned in the schedule to the principal Act annexed, and that thereupon but not otherwise the same should have the force of law in such Colony :

Recites the West Indian Incumbered Estates Acts, 1854, 1858, 1862.

Provided always, and it is thereby expressly declared, That no such Order in Council shall be made until the Legislature of such Colony has presented an address praying Her Majesty to issue such order, and has also to the satisfaction of Her Majesty's Principal Secretary of State for the Colonies made provision for the payment of the salaries of the local commissioners, and of all such assistants, secretaries, clerks, messengers, and officers as may be appointed under the said Act in the said Colony and of such other expenses of carrying the said Act into execution as are therein-before directed to be provided for by the Legislature of the Colony :

And whereas the Colony of Antigua is one of those named in the said schedule, and it would be of much advantage to the Island that the said Acts should have the force of law :

And whereas the public revenue of this Island does not enable the Legislature to provide adequate salaries for such officers as may be appointed for carrying into execution in this Colony the provisions of the aforesaid Acts, and it is therefore intended to make other provision by way of remuneration in lieu of such salaries :

Be it enacted by the Governor, the Council, and Assembly as follows :

1. The commissioners to be appointed in pursuance of the said recited Acts in this Colony of Antigua shall be entitled to have, receive, and take in and as and for remuneration for the services and duties to be by him or them performed such fees in respect of the business and duties to be by him or them performed under the said recited Acts as shall be fixed and settled by the Commissioners in England under the thirteenth section of the said principal recited Act, subject to such disallowance or alteration by the Legislature of this Colony as is in and by the said last-mentioned section of the said principal Act mentioned.

Remuneration of local commissioners.

2. The secretary of the Court of Common Pleas of this Colony shall be the secretary of the said commissioners under the said recited Acts, and the provost marshal and his lawful deputy shall be the sole executive officer of the said commissioners for the service of all process to be issued by the said commissioners ; and such secretary and provost marshal respectively shall in respect of the duties and services to be by them respectively performed be entitled to have, receive, and take such fees as shall be fixed and settled by the commissioner or commissioners under the powers in the said West Indian Incumbered Estates Acts, 1854, 1858, and 1862 contained, subject to such disallowance or alteration as therein mentioned.

Secretary of Court of Common Pleas and provost marshal to be executive officers.

3. All such fees when settled and approved as by the said recited Acts is provided shall be demandable by and payable to the respective persons to whom the same shall be awarded as remuneration for the services to be by them respectively performed, and shall be payable and paid by the suitors in the court to be established under the said recited Acts in this Colony, and payment of

Fees to be payable in advance.

all such fees shall and may be demanded by any person to whom the same are made payable before he shall be required to perform the duty or service in respect of which any such fee shall be payable.

Publication and exhibition of docket of fees.

4. Every person to whom any fee shall be payable under the provisions of this Act or the said recited Acts shall cause a list or schedule of all such fees to be publicly exhibited at all times in his office or place of business under a penalty of five pounds, to be recovered by action of debt in the Court of Common Pleas of this Colony, and the chief commissioner for this Government, if more than one, to be appointed under the said recited Acts, or the commissioner, if only one, shall cause a list of all fees authorized to be received by the commissioner or commissioners and the officers acting under him or them to be inserted at the public expense in one of the newspapers of the said Island before any proceedings are had or taken in the court to be established in this Colony under the said recited Acts, and before any fee shall be demanded or become payable under the same.

Appointment of receiver.

5. That whenever the commissioners shall have made any conditional order for sale of any lands under these Acts they shall have the same powers of appointing a receiver or receivers of such lands or any part thereof as the Court of Chancery in England has of appointing a receiver of the rents and profits of any lands within the jurisdiction of such court in a suit relating to such lands, and the receiver or receivers so appointed shall from the date of such appointment have and possess all the powers, authorities, rights, and privileges which receivers appointed by the Court of Chancery in England have in respect of the lands over which they are appointed receivers, subject to such general rules as the commissioners in England shall from time to time make under the principal Act.

Security to be given by receiver.

6. Every receiver so appointed by the commissioners shall give such security for the due performance of his office as the commissioners shall require, and shall be entitled to such remuneration by salary, commission, or otherwise as the commissioners shall direct, subject to such general rules as the commissioners in England shall from time to time make under the principal Act; and the balance due to such receiver in respect of such salary, commission, or other remuneration, or in respect of such sums as he may have properly expended in the management and cultivation of such lands, shall be a charge on such lands in priority to all incumbrances thereon.

Application for appointment of receiver.

7. That it shall be open to any owner or incumbrancer to make application by petition to the commissioners for the appointment of such receiver or receivers pursuant to the provisions of this Act, and that such petition shall state the grounds of such application and be supported by affidavit in all its material facts, and if no opposition be made thereto, or being made, shall appear to the commissioners insufficient, the commissioners shall make such order therein as shall be just, and the costs on all such applications shall be costs in the suit, and shall be the same as those allowed for like services performed in the Court of Chancery, according to the docket of fees used in that court, and the practice and proceedings on all such applications shall be according to the practice of the Court of Chancery, until altered or varied by any order or orders made or to be made by the commissioners in England.

Ante, page 479.

Act when to come into operation.

8. This Act shall not come into operation until Her Majesty's pleasure thereon shall be signified and made known.

At the Court at Windsor, the 1st November 1864.

Present:

The Queen's most Excellent Majesty.

Lord President.
Earl de Grey and Ripon.
Earl Russell.

Lord Wodehouse.
Mr. Secretary Cardwell.

WHEREAS by the West Indian Incumbered Estates Acts, 1854, 1858, 1862, 1864, provision was made to facilitate the sale and transfer of incumbered estates in the several West Indian Colonies named in a schedule to the said Act of 1854 (among which is the Island of Antigua), and it was by the said Act of 1854 enacted that Her Majesty might from time to time by Order in Council direct the said Act to come into operation in any of the said Colonies, but that no such Order in Council should be made in respect of any Colony until the Legislature thereof should have presented an address to Her Majesty praying Her Majesty to issue such order, and should also have made provision to the satisfaction of Her Majesty's Principal Secretary of State for the Colonies for payment of the salaries of the Local Commissioners in the said Act mentioned, and of all such assistant secretaries, clerks, messengers, and officers as might be appointed under the said Act in such Colony, and of such other expenses of carrying the said Act into execution as were therein directed to be provided for by the said Legislature, and it was by the said Act of 1864 enacted that 'the West Indian Incumbered Estates Act, 1864, therein-after called the principal Act, the West Indian Incumbered Estates Act, 1858, therein-after called the first Amendment Act, the West Indian Incumbered Estates Act, 1862, therein-after called the second Amendment Act, the West Indian Incumbered Estates Act, 1864, should so far as was consistent with the contexts and objects of such Acts be construed as one Act, and might for all purposes be cited as the West Indian Incumbered Estates Acts, 1854, 1858, 1862, 1864, and that when Her Majesty by Order in Council had directed or should direct the principal Act or the principal Act and the first Amendment Act, or the principal Act and the first and second Amendment Acts to come into operation in any of the Colonies mentioned in the schedule to the principal Act, or where any of such Colonies had presented or should present an address to Her Majesty praying Her Majesty to issue such order, then and in every such case such order and such address respectively should apply and be construed to apply as well to the West Indian Incumbered Estates Act, 1864, and to any Act of the then present session of Parliament continuing the West Indian Incumbered Estates Acts, 1854, 1858, 1862, as aforesaid (so far as regarded the said Acts), as to the principal Act, or as to the principal Act and the first Amendment Act, or as to the principal Act and the first and second Amendment Acts (as the case might be):

And whereas the Legislature of Antigua by an address has prayed Her Majesty to make an Order in Council directing the West Indian Incumbered Estates Acts, 1854, 1858, 1862, and all other Acts continuing or amending or in any way relating to the same, to come into operation and to have the force of law in the said Colony of Antigua, and by an Act passed on the twenty-seventh day of May 1864, entitled "An Act for carrying into execution in No. 213. "Antigua the West Indian Incumbered Estates Acts, 1854, 1858, 1862," has made provision for the payment in that Colony of such salaries and other expenses as required by the said Act of 1854 to the satisfaction of Her Majesty's Principal Secretary of State for the Colonies:

It is therefore hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Privy Council, that the said West Indian Incumbered Estates Acts, 1854, 1858, 1862, 1864, and all other Acts for continuing or amending the same, shall from the date of this Order in Council come into operation in Antigua.

And the Right Honourable Edward Cardwell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions accordingly.

EDMUND HARRISON.

Published at Antigua this 18th November one thousand eight hundred and sixty-four.

JAS. J. DRYSDALE,
Provost Marshal.

TABLE OF FEES THAT MAY BE DEMANDED AND TAKEN WITHIN THE ISLAND OF ANTIGUA, UNDER "THE WEST INDIAN INCUMBERED ESTATES ACTS, 1854, 1858, 1862, 1864," AS APPROVED AND FIXED BY THE COMMISSIONERS OF THE SAID ACTS.

Approved,

STEPHEN J. HILL.

The following per-centage shall be paid to the Local Commissioner and Secretary on the final allocation of the moneys to be produced by the sale of any estate under the above Acts.

1. WHERE PROCEEDINGS ARE COMMENCED AND COMPLETED IN THE COLONY.

To the Local Commissioner	-	-	One per cent.
To the Secretary	-	-	One half per cent.

on the gross amount of the purchase money.

2. WHERE PROCEEDINGS ARE EITHER COMMENCED IN THE COLONY AND COMPLETED IN ENGLAND, OR COMMENCED IN ENGLAND AND COMPLETED IN THE COLONY.

To the Local Commissioner	-	-	One half per cent.
To the Secretary	-	-	One quarter per cent.

on the same.

3. WHERE PROCEEDINGS ARE COMMENCED AND COMPLETED IN ENGLAND, BUT THE SALE TAKES PLACE IN THE COLONY.

To the Local Commissioner	-	-	One quarter per cent.
To the Secretary	-	-	One eighth per cent.

on the same.

And the following fees shall be paid to the Local Commissioner, Secretary, and Provost Marshal, by the petitioner or other parties having the conduct of the sale.

TO THE LOCAL COMMISSIONER.

	£	s.	d.
On the presentation of every petition for sale, exchange, or partition - - - - -	2	0	0
On the making of every absolute order for sale, exchange, or partition - - - - -	2	0	0
On settling the particulars of sale or scheme for exchange or partition - - - - -	2	0	0
On settling the schedule of incumbrances or confirming award of exchange or partition - - - - -	2	0	0
On the transfer of any proceedings from England - - - - -	2	0	0
On any issue tried before a jury - - - - -	2	0	0

TO THE SECRETARY.

On the presentation of every petition for sale, exchange, or partition - - - - -	1	0	0
On the making of every absolute order for sale, exchange, or partition - - - - -	1	0	0
On settling the particulars of sale or scheme for exchange or partition - - - - -	1	0	0
On settling the schedule of incumbrances or confirming award of exchange or partition - - - - -	1	0	0
On every issue tried before a jury - - - - -	1	0	0
On the transfer of any proceedings from England - - - - -	1	0	0
On taxation of a bill of costs the same payment as is receivable for a similar purpose in the Supreme Court of Judicature.			

For copies of any documents the same payment as is receivable for a similar purpose in the Supreme Court of Judicature.

TO THE PROVOST MARSHAL.

For serving a notice, subpoena, or other process, if within the capital - - - - -	0	5	0
Ditto, if out of the capital (exclusive of mileage) - - - - -	0	10	0
Extra per mile going and returning - - - - -	0	0	8
If out of the Island, in addition to expenditure incurred in travelling but not in subsistence - - - - -	3	0	0
For executing contempt process, where the person is taken - - - - -	1	10	0
Ditto on return " <i>non est inventus</i> " - - - - -	0	10	0
Every day such person continues in custody - - - - -	0	3	4
Attendance each day on any hearing or trial - - - - -	0	5	0

(L.S.) HENRY J. STONOR, Chief Commissioner.

October 1864. FREDERICK ROGERS, Assistant Commissioner.

House of Assembly, 22nd December 1864.

Approved,

OLIVER NUGENT, Speaker.

Board of Council, 22nd December 1864.

Approved,

By command,

EDWIN D. BAYNES, Clerk of the Council.

No. 214.

AN ACT to abolish Arrest on Mesne Process in Civil Actions, except in certain Cases, and to extend the Remedies of Creditors against the Property of Debtors.

[Dated 27th May; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Jurisdiction of Court of Complaints increased to 5*l*., with power to adjourn for 14 days.
No. 33, s. 151.

Arrest on mesne process abolished except in certain cases.

How actions to be commenced.

No. 33, s. 9.

A defendant may be arrested in certain cases.

1. The jurisdiction of the Court of Complaints shall extend to sums not exceeding 5*l*. sterling in lieu of 10*l*. late current money, and the court may be adjourned from time to time, not extending beyond fourteen days from and including the first day of sitting.

2. No person shall be arrested upon mesne process for any debt or demand recoverable in the Court of Complaints, nor in any civil action, except in the cases and in manner herein-after provided for.

3. All personal actions in the Court of Common Pleas shall be commenced by writ of summons.

4. If a plaintiff in any action in the Court of Common Pleas in which a defendant is liable to arrest, whether upon the order of a judge or without such order, shall by affidavit of himself or of some other person show to the satisfaction of the judge that such plaintiff has a cause of action against the defendant or defendants exceeding the amount of 10*l*. sterling, or has sustained damages exceeding that amount, and that there is probable cause for believing that the defendant or any one or more of the defendants is or are about to quit this Colony, unless he or they be forthwith apprehended, and such deponent has reason to believe that the recovery of such debt or damages will be endangered by such defendant or defendants quitting the Colony, it shall be lawful for the judge by a special order to direct that such defendant or defendants so about to quit this Colony shall be held to bail for such sum as the judge shall think fit, not exceeding the amount of the debt or damages, and thereupon it shall be lawful for such plaintiff, within the time which shall be expressed in such order but not afterwards, to sue out a writ of Capias against any such defendant so directed to be held to bail, which writ of Capias shall be in the form contained in the Schedule A. to this Act, and shall bear date on the day on which the same shall be issued.

Provost marshal may arrest.

Defendant to remain in custody until he find bail or make deposit.

Deposit with marshal and payment in court in lieu of bail.

Subsequent proceedings according to existing practice.

5. The provost marshal or other officer to whom any such writ of Capias shall be directed shall, within one calendar month after the date thereof including the day of such date but not afterwards, proceed to arrest the defendant thereupon and such defendant when so arrested shall remain in custody until he shall have given a bail bond to the provost marshal according to the practice of the Court of Common Pleas for the time being, or shall have made deposit as herein-after allowed.

6. It shall be lawful for any person arrested under any such writ of Capias, in lieu of giving bail to the provost marshal, to deposit in his hands, or instead of putting in and perfecting special bail to pay into court, the sum endorsed on the writ with 5*l*. to answer costs.

7. All subsequent proceedings as to putting in and perfecting special bail, or of making deposit and payment of money into court instead of putting in and perfecting special bail, shall be according to the practice of the Court of Common Pleas for the time being, or as near thereto as the circumstances of the case will admit or as the court shall order.

8. Any such special order may be made and the defendant arrested in pursuance thereof at any time after the commencement of such action and before final judgment shall have been obtained therein, and a defendant in custody under any such arrest and not previously served with a writ of summons may be lawfully served therewith.

Order for arrest may be made at any stage of proceedings before final judgment.

9. It shall be lawful for any person arrested upon any such writ of *Capias* to apply at any time after such arrest to the judge or court for an order or rule on the plaintiff in such action to show cause why the person arrested should not be discharged out of custody; and it shall be lawful for such judge or court to make absolute or discharge such order or rule and to direct the costs of the application to be paid by either party, or to make such other order therein as to such judge or court shall seem meet: Provided that any such order made by a judge at chambers may be discharged or varied by the court on application made thereto by either party dissatisfied with such order, and no determination of the court making absolute or discharging or varying any such order or rule shall be suspended during any appeal therefrom.

Defendant may apply for rule or order.

Judge may order discharge.

Appeal to the court.

10. No warrant of attorney to confess judgment in any personal action or *cognovit actionem* given by any person within this Colony shall be of any force unless there shall be present some attorney of the Court of Common Pleas on behalf of such person expressly named by him and attending at his request to inform him of the nature and effect of such warrant or *cognovit* before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same and state that he subscribes as such attorney.

Warrant of attorney and cognovit to be executed in presence of attorney on behalf of the person.

11. A warrant of attorney to confess judgment or *cognovit actionem* not executed in manner aforesaid shall not be rendered valid by proof that the person executing the same did in fact understand the nature and effect thereof or was fully informed of the same.

Warrant not so executed invalid.

12. A plaintiff or defendant having obtained a verdict shall be entitled to judgment and execution in thirty days.

Judgment and execution 30 days after verdict.

13. By virtue of any writ of execution against the property of any person for the judgment of money sued or to be sued out of any court within this Colony, or any precept in pursuance thereof, the provost marshal or other officer having the execution thereof may and shall seize and take any money or bank notes of any bank or bankers or Treasury notes transferable by delivery or payable to the holder thereof belonging to the person against whose property such writ of execution has been or shall be sued out.

Provost marshal empowered to seize money, bank notes, and Treasury bills.

14. All lands, tenements, hereditaments, rentcharges, and annuities issuing out of lands and tenements over which any person who shall hereafter be sued at law or in equity shall have any disposing power which he might without the assent of any other person exercise for his own benefit, shall be chargeable with all such monies as shall actually and *bona fide* be recovered in any such action or suit hereafter commenced against him in like manner as lands, tenements, hereditaments, rentcharges, or annuities so issuing sold by the owner thereof after action or suit brought against him are chargeable with monies so recovered; provided that such action or suit be effectually prosecuted to judgment, interlocutory order, or final decree within two years from the commencement thereof respectively.

No. 33, s. 28. Lands over which debtor has power to appoint to be bound by commencement of action as other his lands.

15. Money received or collected under execution payable to an execution creditor may be attached or levied upon in the hands of the provost marshal at the suit of any person other than the execution debtor, and the court or the judge of the court from which the execution process issued against such

Money levied under execution may be attached.

debtor may make order for the payment of such money to the person entitled thereto.

Examination of debtor and defendant to be oral.

No. 33, s. 143.

16. The examination of a debtor or his attorney and a defendant touching a debt attached or levied on shall be conducted by oral examination instead of written interrogatories, and the summons to be served on such debtor or his attorney shall require him to attend before the judge at the time and place appointed to be examined touching the debt attached or levied upon.

Proceedings for the recovery of debts levied upon to be alike in all courts.

17. The proceedings for recovery of debts levied upon under process issued from any court authorized to issue such process shall be the same as on process issued from the Court of Common Pleas.

Provost marshal not to proceed on execution two years dormant without affidavit.

18. The provost marshal shall not proceed on any execution which shall have lain or shall lie dormant, or on which no proceedings shall have been or shall be taken for the space of two years, until the plaintiff, or one of the plaintiffs, or some person interested in such execution, or his registered attorney or agent, shall deliver to the provost marshal an affidavit specifying the amount or balance remaining due on such execution, and deposing positively if such affidavit be made by a plaintiff, and to the best of the knowledge and belief of the deponent if such affidavit be made by any other person, that the amount or balance therein specified is justly and truly due on such execution, and that the same hath not been in any manner paid, settled in account, or otherwise satisfied, and no greater amount shall be levied than the sum so sworn to with costs.

Provost marshal to make return of proceeding under execution within 30 days.

19. When any proceeding shall be had on any execution the provost marshal shall make a return thereof to the Secretary's office within thirty days after such proceedings.

Judgments and executions dormant for 20 years to be deemed satisfied.

20. Judgments and executions which shall have lain or shall lie dormant for twenty years or more, without any proceeding having been taken therein or payment made on account thereof and entered of record or in the books of the provost marshal, shall be deemed satisfied; provided that creditors on any such judgment or execution shall have two years after the passing of this Act to proceed on any such judgment or execution.

Creditors allowed two years after passing of Act to proceed.

Effect of judgment without execution.

21. A judgment without execution shall not be entitled to priority in payment of a judgment whereon execution hath been or shall be sued, but this section shall not affect the provisions of the Act for the more equal distribution of estates sold by virtue of executions.

No. 32.

On execution after verdict the fact and the amount due to be endorsed on the writ. No. 33, s. 89.

22. On every execution issued out of the Court of Common Pleas founded on verdict, the plaintiff or his attorney in the cause shall endorse or cause to be endorsed on the writ £— by verdict; and no levy shall be made by the provost marshal on any execution to be issued out of the said court except for a debt recovered in the Court of Complaints, whereon there shall be no such endorsement, until an affidavit of the sum *bonâ fide* due on such execution made by a plaintiff or his registered attorney shall have been lodged with the provost marshal.

No. 35, s. 8. No execution without such endorsement to be levied without affidavit of debt.

Affidavit of debt on execution to be lodged.

23. In all cases of execution issued out of the said court not founded on judgment after verdict, the plaintiff or one of the plaintiffs, or his or their registered attorney, shall make affidavit of the sum *bonâ fide* due on such execution according to the best of the knowledge and belief of the party swearing, and such affidavit shall be lodged with the provost marshal with the writ of execution, or within 48 hours after the delivery of such writ to the provost marshal; and in default thereof the next execution creditor who shall comply with the enactment before such affidavit shall have been lodged shall be preferred in payment.

In default execution creditor to lose his priority.

24. All monies levied by the provost marshal under execution or other process, and not paid over within 60 days after the receipt thereof by him, shall be paid into court, and it shall be lawful for the court or the judge of the court from which execution or process issued to make order for the deposit or lodgment of such money in any chartered bank in this Colony, at or without interest, or in any of the parliamentary stocks or funds of the United Kingdom, in the name of the, secretary or registrar of the court, to abide the further order of the court, and an account of all monies so remaining deposited or lodged shall be furnished to the Governor and published in the official gazette in the month of January in each year.

Monies levied under execution and not paid over in 60 days to be paid into court and may be invested. Amount thereof to be annually published.

25. The enactments mentioned in Schedule B. to this Act shall be and hereby repealed, except as to any writ of Capias issued before the passing of this Act or right accrued thereunder. Repeal of Acts.

SCHEDULE A.

WRIT OF CAPIAS.

Victoria by the grace of God,

To our Provost Marshal of our Colony of Antigua greeting :

We command you that you take *C.D.* and him safely keep until he shall have given you bail or made deposit with you according to law in an action (on promises or of debt) at the suit of *A.B.*, or until the said *C.D.* shall by other lawful means be discharged from your custody ; and we do further command you that on execution hereof you do deliver a copy hereof to the said *C.D.*, and we require the said *C.D.* to take notice that within eight days after the execution hereof on him, inclusive of the day of such execution, he should cause special bail to be put in for him in our Court of Common Pleas to the said action, and that in default of so doing such proceedings may be had and taken as are mentioned in the warning written or endorsed hereon ; and we do further command you that immediately after the execution hereof you do return this writ to our said court, together with the manner in which you shall have executed the same and the day of execution thereof, and if the same shall remain unexecuted then that you so return the same at the expiration of one calendar month from the date hereof, or sooner if you shall be thereto required by order of the said court or the judge thereof.

Witness the Honorable
day of in the

Chief Justice of our said court this
year of our reign.

Passed the office,

MEMORANDUM to be subscribed to the Writ.

This writ is to be executed within one calendar month from the date hereof including the day of such date and not afterwards.

A WARNING to the DEFENDANT.

If a defendant having given bail on the arrest shall omit to put in special bail as required, the Plaintiff may proceed against the provost marshal or on the bail bond.

ENDORSEMENT to be made on the Writ.

Bail for
(order).

pounds by order of

(naming judge making the

Dated this

day of

18

SCHEDULE B.

Number of Act.	Title.	Extent of Repeal.
No. 33.	An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Session; and for the better regulating and settling due Methods for the Administration of Justice. Dated 21st January 1791.	The words "being persons exempt from arrest by virtue of this Act in civil actions," in section 28, and so much of sections 143, 147, and 148 as relates to written interrogatories.

No. 215.

No. 225.

AN ACT to authorize the raising a Loan for the Construction of Water-works for this Island. [Dated 17th June 1864.]

WHEREAS there are certain springs in the said Island of Antigua from which may be obtained for the city of Saint John and certain houses and villages in its immediate vicinity a good and sufficient supply of water for the general purposes and requirements of the said city, houses, and villages: And whereas it is expedient to construct certain works for the purpose of collecting such water and conveying the same to the said city, houses, and villages: And whereas it is expedient that such works should be erected by and at the expense of Her Majesty's Government in the said Island of Antigua, and it is requisite to borrow money on debentures, and thus provide the requisite funds for the construction of such works, and generally to do such things as may be requisite for carrying out such supply of water:

Be it enacted by the Governor, the Council, and Assembly as follows:

30,000*l.* may be raised by debentures bearing interest for construction of waterworks.

1. It shall be lawful for the Governor from time to time as occasion may require to raise upon debentures to be issued for such purpose any such sum or sums of money not exceeding in the whole the sum of thirty thousand pounds, as may be required for the purposes of or in connexion with the construction and establishment of such waterworks, such debentures to bear interest at a rate not exceeding six pounds *per centum per annum*.

Amount and redemption of debentures.

2. Each debenture shall be for a sum not less than one hundred pounds, and shall be paid off at the expiration of twenty years from the time of issuing the same.

Debentures to be signed by Crown agent for Colonies.

3. Every debenture shall be signed on behalf of the Government of the said Island of Antigua by the Crown agent for the Colonies in London for the time being, or by either of them, as agents for the negotiation of the loan.

Coupons to be attached to debenture.

4. To each such debenture shall be attached coupons for the payment of the half-yearly interest, corresponding in number to the period for which such debenture shall have to run.

Form of debenture and coupon.

5. Each such debenture and the coupons thereto shall be in such form as shall be determined by the Crown agents for the Colonies in London for the time being.

Transfer of debentures.

6. Each debenture and all right to and in respect of the principal money secured thereby, and each coupon and all right to the interest payable in respect thereof, shall be transferable by delivery, and the principal monies secured by such debentures and the interest payable in respect of such coupon shall be payable in London at the office of the Crown agent for the Colonies in London for the time being, or at the Treasury in the said Island of Antigua, as the lender shall elect at the time of allotment.

7. The Governor shall appropriate half-yearly out of the general revenue of the Colony, commencing with the first day of January 1865 or such other date as may be approved or directed by the Secretary of State, such sum as shall realize in England according to the then rate of exchange the sum of five hundred pounds, and shall invest or cause to be invested such sum of five hundred pounds, and shall from time to time invest or cause to be invested the dividends, interest, or produce of any and every such investment, so that the same may accumulate by way of compound interest, and such investments shall be for the final extinction of the debt incurred by such loan as aforesaid.

Sinking fund by annual appropriation from general revenue for extinction of debt.

8. All sums paid to the account of the sinking fund provided for in the last preceding section, and all interest and dividends or produce thereof shall be invested under and in the names of trustees in the purchase of imperial or colonial government securities; the nature of such securities and the selection of such trustees shall be left to Her Majesty's Principal Secretary of State for the Colonies.

Investment to form sinking fund.

9. If it shall be advisable at any time before the time for the redemption of the debentures to extinguish any such debentures by purchasing them, it shall be lawful for the Governor by and through the Crown agents for the Colonies in London for the time being to purchase any then unredeemed debentures, and for such purpose to use so much of such sinking fund as shall be sanctioned by Her Majesty's Principal Secretary of State for the Colonies; provided that all debentures so purchased shall be cancelled and destroyed, and that no re-issue of debentures shall be made in consequence of such purchase and destruction.

Purchase of unredeemed debentures authorized.

10. All and singular the sum and sums of money borrowed or raised under and by virtue of this Act, together with such interest as may from time to time accrue thereon, shall be and the same are hereby charged upon all water rates and monies collected and received for and on account of such supply of water as aforesaid, and shall also be charged upon the general revenue and assets of the Colony preferably to any other charges whatever thereupon, subject only to the amount now remaining thereon charged by the provisions of the Act of this Island, No. 87, entitled "An Act to amend an Act entitled an Act to authorize the Appointment of certain Commissioners of the Loan from Her Majesty's Government to the Island of Antigua, to empower the said Commissioners to borrow from the Commissioners of Her Majesty's Treasury Exchequer Bills for a Sum not exceeding One hundred thousand Pounds Sterling, to provide for the Repayment of the same Sum with Interest, to authorize the Appropriation of the same in manner therein mentioned," and dated the 1st day of July 1844.

Charge of money borrowed on general revenue subject to earthquake loan.

11. In case there shall be any deficit in the general revenue of this Colony whereby there shall be any failure to meet any of the aforesaid payments, such deficit shall be provided for by the imposition of such taxes or duties as the Legislature for the time being shall deem proper.

Deficit in general revenue to be supplied by taxation.

12. The money borrowed under the authority of this Act shall be applied exclusively in and about the construction of such waterworks as aforesaid, and in the payment of any costs or expenses connected with such undertaking.

Application of money borrowed.

13. This Act shall be cited as the "Antigua Water Supply Act, 1864."

Short title of Act.

No. 216.

AN ACT to provide for the granting of Licences to sell Liquors.

[Dated 17th June; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly :

Meeting of justices to receive application for licence to sell liquors.

1. On the fifth day of January, on the fifth day of April, on the fifth day of July, and on the fifth day of October in every year there shall be a meeting at the police office in the city of St. John of the police magistrates and justices of the peace for the purpose of receiving and considering the applications of persons for licences to sell liquor, and of giving certificates as herein-after provided authorizing the granting of such licences.

Majority of justices present may decide.

2. If any question arise touching the fitness of any person applying for any such licence, or generally as to the granting or withholding any such licence, such question shall be determined by the majority of the magistrates and justices present when such question arises.

Notice by applicant for licence according to form in Schedule A.

3. Every person intending to apply for a licence to sell spirits, spirituous liquors, wines, liqueurs, malt, and other fermented liquors, shall serve on the inspector general of police a notice in writing of his intention to apply for such licence according to the form in Schedule A. to this Act, at least ten days before the time of hearing and considering such application: Provided that it shall not be necessary for any person holding a licence granted under this Act, whose licence shall continue in force until the day or time for granting such licences as hereby and herein provided, to give such notice to the inspector general of police, but such person may apply for any such licence without any such notice.

In case applicant is prevented by illness from personal attendance justices may grant licence.

4. If any person intending to apply for such licence as aforesaid shall be hindered by sickness or by any other reasonable cause from attending in person at such meeting of the justices and magistrates as aforesaid, notwithstanding the absence of such person a certificate as herein-after provided may be granted and delivered by the magistrates and justices to any person then present who shall be authorized by the person so hindered from attending.

Justices may refuse to grant licence and receive statement on oath of person objecting.

5. The said magistrates and justices shall hear any objection to be made by the inspector general of police or any party against the granting of a licence to any such person applying for a licence, and they may refuse or grant a certificate as herein-after provided, as they shall see fit, and if they see fit the said magistrates and justices may receive any statement as to the facts on the oath of the person making any such objection.

Certificate according to form in Schedule B, to be granted on justices being satisfied of fitness of applicant.

6. Upon their being satisfied of the character of a person applying for such licence as aforesaid, and of his general fitness to have such licence, the said magistrates and justices may grant a certificate under their hands and seals addressed to the Treasurer in the form set forth in Schedule B. to this Act, specifying the particular licence which is to be granted to such person; and such certificate shall be required before any licence is granted under the authority and provisions of this Act, as well in cases of persons who have already held and still hold licences, as of persons applying for such licence the first time.

Treasurer on receipt of certificate to grant licence according to form in Schedule C, D, E.

7. On receiving any such certificate as aforesaid the Treasurer shall grant to the person and for the premises named and specified in such certificate a licence under his hand and seal authorizing and empowering such person to sell spirits, spirituous liquors, wines, liqueurs, malt, and other fermented liquors, in the

forms set forth in Schedules C. D. or E. to this Act respectively, according to the kind of licence specified in such certificate as aforesaid of the magistrates and justices as being allowed and to be granted to each person.

[No wholesale or general licence for the sale of spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, shall be granted for any premises to the east of the street or alley in the city of Saint John called Corn Alley, and a straight line drawn north from the north end of Corn Alley aforesaid to the northern extremity of the city of Saint John, and drawn south from the south end of Corn Alley aforesaid to the southern extremity of the city of Saint John; but this provision shall not prohibit the granting of any such licence for any premises on the eastern side of Corn Alley aforesaid, and opening on and in the said alley.]

8. If any person duly licensed under this Act shall (before the expiration of such licence) die, or shall be by sickness or other infirmity rendered incapable of selling and dealing in spirits, spirituous liquors, wines, liqueurs, malt and other fermented liquors, or keeping a tavern, or shall become bankrupt, or shall take the benefit of any Act for the relief of insolvent debtors, or if any person so licensed, or the heirs, executors, administrators, or assigns of any person so licensed, shall remove from or yield up possession of the premises specified in such licence, or if any house being kept for the sale of spirits, spirituous liquors, wines, malt or other fermented liquors, or used as a tavern by any person duly licensed as aforesaid, shall be about to be pulled down for any public purposes, or shall by fire, hurricane, earthquake, or other unforeseen and unavoidable calamity, be rendered unfit to be used for any such purposes as aforesaid, it shall be lawful for a police magistrate in any one of the above-mentioned cases to grant to the heirs, executors, or administrators of the person so dying, or the assigns of such person becoming incapable as aforesaid, or to the assignee or assignees of such bankrupt or insolvent, or for the premises to which any duly licensed person whose house shall be or shall be about to be pulled down, or shall have been by any such calamity as aforesaid rendered unfit to be used as aforesaid, shall be about to remove, a certificate addressed to the Treasurer in the form set forth in Schedule F. to this Act, provided that notice in writing of the intention of any such person as aforesaid to apply for such certificate shall have been given to the inspector-general of police at least five days before such application; and on the receipt of such certificate the Treasurer shall endorse the name of the person or premises, or both, by such certificate authorized to sell or to be used for the purpose of selling spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquor, in the place and stead of the person or premises, or both, to and for which such licence was originally granted, and such licence so endorsed shall only last and be in force for the period for which it was originally granted, and shall and may be lost and forfeited when so endorsed and transferred in the same way as it might have been lost or forfeited before endorsement and transfer.

9. Three descriptions of licences shall be granted under this Act; that is to say, a tavern licence, a wholesale licence, and a general licence, and each of such licences shall be for three months from the date thereof; provided that only three such tavern licences shall be granted for the city of Saint John, and one such licence for the town of English Harbour, and one such licence for the town of Parham, and one such licence for the village of All Saints.

10. The tavern licence shall authorize the person to whom the same shall be granted to sell by retail any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors of any description upon which every duty payable thereon shall have been paid, to be drunk on the premises for which such

Licences not to be granted for sale of liquors, &c. within certain limits. Act dated 29th July, left to its operation by Order in Council dated 30th November 1864.

Police magistrate may in certain cases grant certificate according to form in Schedule F. to authorize endorsement on licence of name of new party and previous notice of person to apply for certificate.

Endorsement by Treasurer and effect thereon.

Description of licence.

Tavern licence.

licence shall be granted, and from or on any part of the premises for which such licences shall be granted, and at any time between the hours of six o'clock in the morning and nine o'clock in the evening, and in the case of *bond fide* travellers and persons residing in or at such tavern on the Lord's day as well as on other days, and such licence shall be in the form given and set forth in Schedule C. to this Act.

Wholesale licence.

11. The wholesale licence shall authorize the sale from the premises named in the licence and of the person selling the same of any spirits, spirituous liquors (except rum), wine, liqueurs, malt and other fermented liquors, in any quantity to be sold and delivered at any one time of not less of each sort of spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors on which every duty payable thereon shall have been paid than one dozen of ordinary quart bottles or two dozen of ordinary pint bottles; but such licence shall not authorize the sale of any spirits, spirituous liquors, wine, liqueurs, malt or other fermented liquors, to be drunk on the premises of the person selling the same, and such licence shall be in the form set forth in Schedule D. to this Act.

General licence.

12. The general licence shall authorize the sale from an open shop on the premises named in the licence of the person selling the same in any quantity, of any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors on which every duty thereon payable shall have been paid, and any such spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors may be sold to be drunk and may be drunk in the shop in which the same are sold, and such licence shall be in the form set forth in the Schedule E. to this Act.

Taxes for granting such licences.

13. For every such tavern licence there shall be paid previous to the granting of the same by the Treasurer the sum of six pounds five shillings, and for any such wholesale licence the sum of five pounds, and for every such general licence the sum of thirteen pounds ten shillings: Provided that for every such general licence granted for any place beyond three miles from the city of Saint John the sum of ten pounds, save and except at the village of All Saints, where there shall be paid the sum of six pounds for each licence.

Licence to auctioneers.

14. An auctioneer may by virtue of a licence under the hand of the Treasurer on the occasion of any sale of the furniture and effects of any person at a private dwelling-house sell any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, being the private property of the owner of the furniture and effects, and for such licence no fee or sum shall be paid; but such licence shall be prepared by the auctioneer requiring the same, and shall specify particularly the name of the owner of the spirituous liquors, wines, liqueurs, malt or other fermented liquors, the quantity and kind to be sold, and the premises from which the same are or is intended to be sold, and before the granting of such licence the auctioneer shall make a declaration that the spirituous liquors, wines, liqueurs, malt or other fermented liquors are to the best of his knowledge and belief the property of the person whose furniture and effects and at whose premises such furniture and effects are about to be sold, under the provisions and in the manner provided in the Act for abolishing unnecessary oaths, and shall be liable to the penalty thereby provided in the event of wilfully making any such declaration false or untrue in any particular.

No. 208.

Signboard to be suspended on premises for public information.

15. Any person who shall obtain a licence under this Act shall during the continuance of such licence, and no longer, suspend for public information over the entrance to his house, tavern, store, or shop, a signboard having the name of the person, or firm, together with the description of licence obtained

printed thereon in letters not less than three inches in length and one inch in width.

16. Any person who shall sell without a licence any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, shall on conviction thereof before a police magistrate be liable to a penalty not exceeding fifty pounds nor less than ten pounds, and in default of payment of the same penalty and costs (if any) may be committed to the common gaol, there to be imprisoned for any period not exceeding six months nor less than two months, unless such penalty and costs (if any) be sooner paid: Provided that licences granted under the Act, intituled "An Act to regulate the granting of Licences to Dealers in Spirits, and to regulate the Sale of Liquors, to levy a Duty on Rum, and for warehousing "Rum," dated the 7th day of July 1862, and continuing in force at the time of the passing of this Act, shall continue in force for the time for which the same were granted, but no longer.

Penalty for selling without licence.

Repealed.

17. Any person may, without taking out any licence, sell any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, if the quantity of each sort and description of spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, sold and delivered at any one time, shall be in the case of spirits, spirituous liquors, not less than twenty gallons, or in the case of wine, liqueurs, malt or other fermented liquors, not less, if sold in cask, than fifteen gallons, or if sold in bottle, not less than twelve dozen ordinary quart bottles, or twenty-four dozen ordinary pint bottles; but any person selling any spirits, spirituous liquors, wines, liqueurs, malt, or other fermented liquors, without a licence otherwise than in strict compliance with the provisions of this section, shall on conviction be liable to all the penalties imposed by the last preceding clause for selling without a licence.

Quantity of liquor which may be sold without a licence.

18. It shall not be lawful to barter, truck, or change, or substitute for money, or give or deliver in payment or part payment for wages any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, and any barter, truck, change, substitute, gift, or delivery of any such liquor contrary to this section shall be deemed a sale of such liquor without a licence.

Truck system unlawful.

[19. Any holder of a licence under this Act who shall sell, barter, or exchange, or who shall permit to be sold, bartered, or exchanged on his behalf any spirits, spirituous liquors, wines, liqueurs, malt, or other fermented liquors on the Lord's day (except in cases permitted under the tavern licence, or under an order from a police magistrate in cases of special emergency arising at English Harbour), or who shall serve or permit to be served with any intoxicating liquor any person in a state of intoxication, or who before the hour of six o'clock in the morning or after the hour of six o'clock in the evening, except in the cases of holders of tavern licences, and except in the case of holders of *tavern* licences in the town of English Harbour and the village of All Saints, shall sell or retail or permit to be sold or retailed any spirits, spirituous or intoxicating liquor in any licensed shop or place, or shall, except in the case of holders of tavern licences, open or permit to be opened any licensed shop or place before the aforesaid hour of six o'clock in the morning, or shall open or permit to be opened or shall keep open or permit to be kept open any licensed shop or place after the aforesaid hour of six o'clock in the evening, except in the cases of holders of licences in the town of English Harbour and the village of All Saints, or shall do anything not sanctioned by this Act, or shall omit to do anything required by this Act to be done, shall on conviction before a police magistrate be liable to a fine or penalty not exceeding one hundred pounds, and in default of payment of such fine or penalty with costs (if any), may be committed to the common gaol, there to be imprisoned with or without hard labour for any period not exceeding six months: Provided always,

Selling liquor on Lord's day, or to person in state of intoxication, or between certain hours. Act dated 23rd January 1865.

that in the case of holders of general licences in the town of English Harbour and the village of All Saints the hour of ten o'clock shall be substituted for the hour of six in the evening, provided that in the cases of holders of tavern licences the hour of ten o'clock in the evening shall be substituted for six o'clock.]

Sale of adulterated liquors.

20. Any holder of a licence under this Act who shall sell, or offer, or expose for sale, or who shall permit to be sold or offered or exposed for sale any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors fraudulently diluted or adulterated, shall on conviction before a police magistrate be liable to a fine or penalty not exceeding twenty pounds, and in default of payment of such fine or penalty and costs (if any) may be committed to the common gaol, there to be imprisoned with or without hard labour for any period not exceeding six months, unless such fine or penalty and costs (if any) be sooner paid.

Disorderly conduct in licensed premises. Neglect to suspend signboard.

21. Any holder of a licence under this Act who shall permit any gaming or disorderly conduct in his house, tavern, store, or shop, or who shall neglect or refuse to suspend the signboard before mentioned, or who shall continue after the expiration of his licence to suspend such signboard, shall on conviction thereof before a police magistrate be liable to a fine or penalty not exceeding ten pounds, and in default of payment of such fine or penalty and costs (if any) may be committed to the common gaol, there to be imprisoned for any period not exceeding three months, unless such fine or penalty and costs (if any) be sooner paid.

Forfeiture of licence on second offence, or conviction for breach of the revenue laws.

22. Any holder of a licence under this Act who shall be convicted a second time of any offence mentioned in this Act, or who shall do anything not authorized by his licence, and who shall be convicted of any offence against the revenue laws of this Island, shall forfeit his licence under this Act for a period of three years.

Open lights in rum cellar when throwing up or drawing off rum. Throwing up or drawing off rum except between certain hours or on Sunday prohibited.

23. If any person holding a licence, whether granted previously to the passing of this Act or under this Act, shall use an open or uncovered light of any description when throwing up or drawing off rum in any cellar or room in which rum is on the premises of such person kept or stored (except in the shop or store in which rum is sold on the premises of such person), or shall throw up or draw off rum at any time, except between the hours of eight in the forenoon and four in the afternoon, or any time on Sunday, such person shall be liable on conviction before a police magistrate to a fine or penalty not less than fifty pounds and not more than one hundred pounds, and in default of payment of such fine or penalty and costs (if any), it shall be lawful for the convicting magistrate to issue his warrant levying upon the goods and chattels of such offender the amount of such fine or penalty and costs; and in the event of such fine or penalty and costs (if any) not being paid, or of the amount of the same not being realized by such distress, it shall be lawful for the convicting magistrate to commit such offender to the common gaol, there to be imprisoned with or without hard labour for any time not less than six months, unless such fine or penalty and costs be sooner paid.

Duration of Act.

24. This Act shall be and continue in force until the thirty-first day of December one thousand eight hundred and sixty-five and thenceforward to the next meeting of the Council and Assembly.

Treasurer and magistrate or commissioned officer or sergeant of police empowered to enter licensed house. Act dated 23rd January 1865.

[25. It shall be lawful for the Treasurer or any person acting under his authority, or any magistrate, or any commissioned officer or sergeant of police at any time to enter into any house or shop licensed for the sale of liquors under this Act for the purpose of ascertaining whether the terms of the licence granted under this Act are strictly complied with, or whether any of the

provisions of this Act are in any way contravened; and every person who shall refuse to admit any person so authorized into such house or shop shall be deemed to be guilty of an offence against this Act and punishable under the provisions of section 19 of this Act.

26. This Act may be cited as the Liquor Licence Act, 1864.]

Short title.

SCHEDULE A.

To the Inspector-general of Police.

I now residing in Street in the (city or town, *as the case may be*) of do hereby give you notice that it is my intention to apply at the meeting of the police magistrates and justices of the peace to be held at the Police Office in the city of Saint John on the day of next ensuing for a (*stating whether tavern, wholesale, or general*) licence to sell spirits, spirituous liquors, wines, liqueurs, malt and other fermented liquors from my (house, tavern, store, or shop, *as the case may be*) in Street in

Dated this day of 18 .

SCHEDULE B.

To the Treasurer.

We the undersigned do hereby certify that we have heard and considered the application of for a licence to sell spirits, spirituous liquors, wine, liqueurs, malt and other fermented liquors, and that we have determined that the said may have such licence, and you are therefore authorized to grant to the said a (*tavern, wholesale, or general, as the case may be*) licence to sell spirits, spirituous liquors, wine, liqueurs, malt or other fermented liquors, (from, *in the case of a certificate authorizing the grant of a wholesale or general licence, and from, on, and in, in the case of a tavern licence*) a (*tavern, store, or shop, as the case may be*) in (*describing the locality of the premises for which such licence to be granted*).

Dated and given under our hands and seals this day of 18 .

SCHEDULE C.

of is hereby authorized and empowered to sell in, on, or from any part of his premises in (*naming the street in which such premises are, if they are in the city of Saint John*) by retail, to be drunk on the premises, and at any time, and in cases of bona fide travellers or persons residing or remaining in such premises or tavern on the Lord's day, any spirits, spirituous liquors, wines, liqueurs, malt and any fermented liquors on which either import, excise, or other duty payable shall have been paid. And this licence shall continue in force from the day of 18 until the day of 18 unless the same shall be in the meantime forfeited under any of the provisions of the "Liquor Licence Act, 1864."

Given under my hand and seal this day of 18 .

SCHEDULE D.

of is hereby authorized and empowered to sell from his store or shop in Street in the (city or town, as the case may be) of by wholesale, at any time between the hour of six in the morning and six in the evening any spirits, spirituous liquors, wine, liqueurs, malt or other fermented liquors, not to be drunk on such premises, in any quantity not less than one dozen ordinary quart bottles or two dozen ordinary pint bottles, which shall not have been fraudulently diluted or shall not have been adulterated, and on which there shall have been paid every duty thereon payable. And this licence shall continue in force from the day of 18 until the day of 18 unless the same shall in the meantime be forfeited under the provisions of the "Liquor Licence Act, 1864."

Given under my hand and seal this day of 18 .

SCHEDULE E.

of is hereby authorized and empowered to sell in his open store or shop, in Street in the (city or town, as the case may be) of by retail, in any quantity and at any time between the hour of six in the morning and the hour of six in the evening any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors to be drunk or not to be drunk in such open store or shop, which shall not have been fraudulently diluted or shall not have been adulterated, and on which there shall have been paid every import, excise, or other duty payable thereon. And this licence shall continue in force from the day of 18 until the day of 18 unless the same shall be in the meantime forfeited under any of the provisions of the "Liquor Licence Act, 1864."

Given under my hand and seal this day of 18 .

SCHEDULE F.

To the Treasurer.

You are hereby authorized to endorse on the licence originally granted to of , and dated the day of 18 , the name and the (state the locality of the premises), as being the person and premises authorized to sell and be used under the authority of the same licence.

Given under my hand and seal this day of 18 .

No. 217.

AN ACT to impose an Excise Duty on Rum.

[Dated 1st July; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly :

1. There shall be paid on rum manufactured in this Colony and entered for consumption according to and under the provisions of the Excise Act, 1864 a duty of one shilling and sixpence on every gallon thereof of proof strength by Sykes hydrometer, or twenty-five degrees by the common bubble regulated thereby,

and so in proportion for every greater or lesser quantity, and there shall be paid a further duty of one halfpenny per gallon for every higher degree of strength by the common bubble regulated as aforesaid.

2. This Act shall continue and be in force until the thirty-first day of December in the year 1865 and thenceforward until the next meeting of the House of Assembly. Duration of Act.

3. This Act may be cited as the "Rum Duty Act, 1864."

Title.

No. 218.

AN ACT to establish the Duties payable on Goods, Wares, and Merchandise imported into this Colony.

[Dated 1st July, published 2nd July; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly:

1. There shall be paid into the public Treasury of this Island the several duties on goods, wares, and merchandise imported into this Colony, in the proportions and as set forth in Schedule A. to this Act. Duties to be paid on importation of goods.

2. The goods or things mentioned in Schedule B. to this Act shall be and the same are hereby declared to be free and exempt from the payment of any duties whatsoever. Goods exempt from duty.

3. This Act shall come into operation from the day of the publication thereof, and shall continue in force until the 31st day of December one thousand eight hundred and sixty-five and thenceforward to the next meeting of the Council and Assembly of this Island. Duration of Act.

4. This Act may be cited as the "Tariff Act, 1864."

Title of Act.

SCHEDULE A.

	£	s.	d.
Ale, beer, perry, cider, and porter, per dozen quart bottles	-	0	0 9
Ale, beer, perry, cider, and porter, in bulk, per tun	-	2	0 0
Asses, per head	-	0	4 2
Bread and biscuits, per 100 lb.	-	0	2 0
Bricks and tiles of all descriptions, per 1,000	-	0	4 2
Candles, tallow, per lb.	-	0	0 1
Candles, other than tallow, per lb.	-	0	0 3
Coffee and cocon, per lb.	-	0	0 1
Cigars, per md.	-	0	10 0
Cattle, horned, per head	-	0	4 2
Fish, dried, per quintal	-	0	1 0
Fish, pickled, per barrel	-	0	2 0
Flour, wheat, per barrel	-	0	5 0
Flour, rye, per barrel	-	0	4 2
Fruit, dried and preserved, per lb.	-	0	0 2
Hams, bacon, tongues, beef, pork, lard, butter, cheese, and tallow, per lb.	-	0	0 1
Horses, mares, geldings, per head	-	1	10 0
Mules, per head	-	1	0 0
Meal or other flour, not wheat, per puncheon	-	0	8 0
Meal or other flour, not wheat, per barrel	-	0	2 0
Meal, oilcake or linseed, per 100 lbs.	-	0	0 10
Oil of all kinds, per gallow	-	0	0 6

	£	s.	d.
Kerosine, and other fluids for burning, per gallon	-	-	0 0 3
Onions, per 100 lbs.	-	-	0 0 6
Corn, per bushel of 55 lbs.	-	-	0 0 3
Peas, beans, barley, oats, calavances, and all other grain or pulse, per bushel	-	-	0 0 3
Potatoes, not being sweet potatoes, per barrel	-	-	0 1 6
Rice, per 100 lbs.	-	-	0 2 0
Sheep, goats, and swine, per head	-	-	0 1 0
Soap, per lb.	-	-	0 0 0½
Spirits, brandy, per gallon	-	-	0 2 6
Gin, and all other spirits not sweetened, per gallon	-	-	0 2 0
Spirits sweetened, and cordials and liqueurs, per gallon	-	-	0 4 0
Sugar, refined, per lb.	-	-	0 0 0½
Tea, per lb.	-	-	0 0 4
Tobacco leaf, per lb.	-	-	0 0 3
Tobacco, manufactured, per lb.	-	-	0 0 4
Wines, whether bottled or not, on every 100 <i>l.</i> value	-	-	15 0 0
Wood, pitchpine, for every 1,000 feet by superficial measure, of an inch thick	-	-	0 12 6
Whitpine, for every 1,000 feet by superficial measure, of an inch thick	-	-	0 8 4
Spruce pine, ditto	-	-	0 8 4
Shingles, cypress and wallaba, per md.	-	-	0 4 2
Shingles, cedar, pine, spruce, or other description, per md.	-	-	0 2 1
Wood hoops, per md.	-	-	0 5 0
Staves, per md.	-	-	0 10 5
Shooks, hogshead, puncheon, or tierce, each single pack	-	-	0 0 9

And after these rates for any quarter or less quantity of such goods respectively.

All non-enumerated articles, six per cent. *ad valorem*.

Packages, viz.: butts, hogsheads, puncheons, tierces, and trunks or other invoice, or in case of their being no invoice assessed value.

SCHEDULE B.

Personal baggage of passengers, bullion, coin, books, not being foreign reprints of English copyrights, maps and charts, ice, fresh meat and fish not preserved, turtle, poultry, fruit, not being dried or preserved, green vegetables, sweet potatoes, yams, tanners, carrots, turnips, plants and shrubs, seeds of all kinds for planting; all machinery and all apparatus for mills, steam engines, steam ploughs, and all apparatus for the manufacture of sugar, rum, or other produce, manures of all kinds, natural or chemical, and all substances to be used for manuring purposes, and stores of every description imported or supplied for the use of Her Majesty's land and sea forces; and all things imported into this Colony for the use of the Governor.

No. 219.

AN ACT to provide for levying an Excise Duty on Rum.

[Dated 1st July; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows:

1. No rum shall be removed from the place where the same was manufactured, whether for the purpose of warehousing the same under the provisions herein-after contained, or of selling, shipping, or otherwise disposing of the same, without a permit from and signed by the Treasurer authorizing such removal; and for the purpose of obtaining such permit, the manufacturer or person in

No rum to be removed
from manufactory
without permit.

charge of or intending to ship or dispose of such rum, or some person on his behalf, shall subscribe a written application addressed to the Treasurer, specifying the quantity, quality, and strength of rum intended to be removed, the number of casks or other vessels or packages in which the same is intended to be removed, the name of the person from and to whom respectively, and the place or vessel from and to which respectively, and by what mode of conveyance any such rum is intended to be removed, forwarded, and sent, and requesting a permit to remove the same in the quantity and in the manner mentioned in such application; and such permit shall authorize the removal of any such rum in accordance and correspondence with the contents and particulars set out in such application; and such permit shall last and be in full force for seven days from the day of the date thereof; and such application for a permit and permits respectively shall be in the form given and set forth in Schedule A. to this Act.

Duration and form of permit.

2. On the sale of any rum other than rum purchased from any person who shall be duly licensed to sell rum under the provisions of the "Liquor Licence Act, 1864," the person making the sale thereof shall make in duplicate a bill of sale in writing specifying the quantity, strength, and price of such rum, and shall sign each of the copies or parts of such bill of sale, and one copy of such duplicate bill of sale shall be delivered to the purchaser of the said rum and shall always be in the possession of the person in charge of such rum during its removal from its place of purchase or other acquisition to its place of destination.

Bill of sale for rum to be made in duplicate and one copy to be in possession of person in charge of such rum during removal.

3. Any person other than a person duly licensed under the provisions of the "Liquor Licence Act, 1864," who shall sell or dispose of any rum shall, within three days after sale or delivery of such rum, lodge in the Treasury his copy of the said duplicate bill of sale so as aforesaid made and signed by him; and any person who shall purchase or acquire any rum from any person other than a person duly licensed under the provisions of the "Liquor Licence Act, 1864," shall, if he intend to use the same rum for consumption in the Colony, and shall not have warehoused or shipped or placed it on board any vessel for exportation within three days after such purchase or acquisition, present and show at the Treasury his copy of the duplicate bill of sale so as aforesaid required to be given to him, and shall pay the duty for the then time being payable on rum sold and purchased for consumption in the Colony.

Within three days after sale of rum the seller shall lodge in the Treasury a copy of bill of sale for such rum.
No. 216.

Purchaser of rum for consumption in the Colony to exhibit within three days after purchase his bill of sale to the Treasury and shall pay the duty on such rum.

Warehouses for bonding rum.

4. The Treasurer shall from time to time, subject to the approval of the Commissioners of the Treasury, appoint one or more warehouses in which may be deposited any rum without the payment of the duty by this Act made payable thereon, and such warehouse or warehouses shall be under the management and control of the Treasurer, who shall give directions for the marking and stowage of the different packages deposited therein.

Proprietor of warehouse to give bond.

5. The proprietor or occupier of a warehouse which shall be so appointed for depositing rum shall give bond with two sufficient sureties, to be approved by the Commissioners of the Treasury, for securing the duties payable on all rum which shall be deposited in such warehouse for the due exportation thereof.

Possessor of rum may warehouse such rum without payment of duty.

6. It shall be lawful for any person who shall purchase or acquire any rum, if he shall so desire it, to deposit such rum in one of the warehouses which shall have been so as aforesaid appointed by the Treasurer for depositing rum, and such person so depositing such rum shall not at the time of depositing the same be called upon to pay the duty on such rum, and shall not be called upon to pay such duty until such rum shall be removed from such warehouse for consumption in this Colony, or until the expiration of two years from the time of depositing such rum.

Form of warrant for
warehousing rum.

7. The owner of any rum about to be deposited in any such warehouse shall at the time of depositing the same deliver or cause to be delivered to the Treasurer a warrant, setting forth the number and marks of the vessels or packages containing any rum so intended to be deposited, and the quantity of such rum in each vessel or package, and the proof strength of the rum in each such vessel or package, ascertained in manner aforesaid, which shall be recorded by the Treasurer in a book kept for that purpose.

Rum to be cleared
from warehouse
within two years
after entry.

8. All rum which shall have been deposited in any warehouse shall be removed from any such warehouse, either for exportation or consumption, within two years from the date of entry of such depositing of the same; and if any rum so as aforesaid deposited in any warehouse shall not have been exported or entered for consumption within the said period of two years, the Treasurer shall, after fourteen days notice in writing delivered to the owner of such rum or his agent of his intention so to do (unless the said owner or his agent do forthwith export such rum or enter the same for consumption), advertise in the newspapers of the Island such rum for sale by public auction at the expiration of thirty days from the date of such notice; and at the expiration of the said thirty days shall sell such rum by auction, and the proceeds of the sale of the same, after deducting the expenses actually incurred in and about such sale, shall be applied, first to the payment of the warehouse rent due thereon, and next to the payment of the duty thereon payable, and the surplus of such proceeds, if any, shall be paid to the owner of any such rum.

Rum purchased for
exportation.

9. Rum purchased for exportation shall be exported within seven days after the permit for the removal thereof, and if such rum shall not have been shipped or placed on board any vessel for exportation at the expiration of the said seven days, the purchaser thereof shall immediately deposit such rum in any of the said warehouses, and such rum shall not be removable from such warehouse except on the warrant of the Treasurer, as in all other cases of rum deposited in any warehouse, and each day after the said period of seven days that such rum shall remain undeposited in a warehouse as hereby required shall be considered and treated as a separate and distinct offence; and if any rum so deposited in any warehouse shall not be exported or entered for consumption within two years from the time of depositing the same in the warehouse, such rum shall be dealt with and its proceeds applied in the same manner in all particulars as is directed in the eighth section of this Act with regard to rum originally deposited in a warehouse on its purchase or acquisition.

Manufacturers of rum
to make declaration.

10. On or before the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October in every year, the possessor, agent of possessor, manager, or person in charge of any estate upon which rum may be manufactured shall make before the Treasurer a declaration in the form given in Schedule B. to this Act of the quantity and strength of rum disposed of, and how disposed of, during the said then last preceding three months, and the quantity and strength of rum then remaining on hand; and such possessor, agent, manager, or person in charge of any such estate shall at the same time pay duty on every gallon of rum not *bonâ fide* used on the said estate not remaining on hand, or not satisfactorily accounted for, and on which duty shall not have been paid at the rate thereon payable; and such possessor, manager, or other person in charge of any such estate shall make such return specifying the quantity and strength of any such rum according to a duly stamped gauging rod and Sykes' hydrometer, or the common bubble regulated by the same.

Duty to be paid on
rum not satisfactorily
accounted for.

Treasurer, &c. may
enter distilleries and
take account of rum.

11. It shall be lawful for the Treasurer, or any person acting under his authority, to visit and enter upon and into any plantation, house, or place in which rum is made, distilled, or sold under any licence granted under the

"Liquor Licence Act, 1864," or any place in which there shall be any rum for or in respect of which any return has been or may be required to be made at the Treasury Department, and to inspect, open, gauge, and examine all or any casks, vessels, or packages on any such premises containing or which he may suppose to contain rum, and if he be refused entrance to any premises, or the place be unoccupied in which he may suppose there is any such rum for or in respect of which any such return has been or is required to be made, he may force and break an entry and break any doors on such premises for the purpose of making such inspection or search; and if any person shall have on hand any rum beyond the quantity which he should have on hand, or shall not have on hand the quantity of rum which he should have on hand, and shall not be able satisfactorily to account for any such excess or deficiency, he shall be liable on conviction before a police magistrate to a fine or penalty not exceeding twenty pounds, and in default of payment of such fine or penalty and costs (if any) within such time as shall be required by the convicting magistrate may be committed to the common gaol, there to be imprisoned for any period not exceeding three months, unless such fine or penalty and costs be sooner paid.

Penalty for excess or deficiency.

12. If any rum shall have been deposited in any warehouse, there shall be paid on the entry of the same for consumption the duty on the quantity and strength removed only, and no duty shall be required to be paid on account of any rum so deposited lost by leakage, soakage, or evaporation.

Duty to be paid on quality and strength of rum taken from the warehouse.

13. If any rum shall be lost in the carriage thereof by land or water from one part to another of this Colony, and such loss shall be proved by a declaration made before the Treasurer in the form set forth in Schedule C. to this Act within seven days after such loss shall have come to the knowledge of the owner of such rum, it shall be lawful for the Governor on the report of the Treasurer to remit the duty which would have been payable on the quantity and strength of rum so lost; and if any declaration so made shall be false or untrue in any particular, the person wilfully making such false declaration shall be guilty of a misdemeanor.

Loss of rum by land or sea carriage.

14. No action shall be brought against any person for anything done under the provisions or authority of this Act except within sixty days from the time of the doing of any such thing complained of, and in every such action the defendant may plead the general issue and give this Act in evidence; and if the plaintiff shall in any such action be nonsuit or shall discontinue such action, or if there shall be a verdict or judgment against him in any such action, he shall pay to the defendant, who may recover the same by due process, treble costs, unless the judge before whom such action shall be tried shall certify that there was ground for bringing such action.

As to actions brought against persons acting under this Act.

15. Every person who shall make any declaration under the eleventh section of this Act which shall be false or untrue in any particular, or who shall do anything by this Act forbidden to be done, or shall omit to do anything by this Act required to be done, or shall assault, resist, oppose, hinder, prevent, or obstruct any person acting under and by the authority of this Act, or shall in any way violate, or assist in or be party to the violation of any of the provisions of this Act, shall be liable on summary conviction before a police magistrate to forfeit and pay any sum not exceeding twenty pounds as to the convicting magistrate may seem meet, and in any case of omission to pay duty payable on rum to pay the amount of such duty omitted to be paid beyond and besides such fine or penalty, and in default of payment of such fine or penalty and duty (if any) and costs (if any), within such time as the convicting magistrate may order, may be committed to the common gaol, there to be imprisoned, with or without hard labour, for any time not exceeding three months as the convicting

Penalties and punishments for violating provisions of this Act.

magistrate shall direct, or until such fine or penalty and costs (if any) shall have been sooner paid; and in all cases in which it shall be necessary to lodge or enter and hear and determine any complaint or case under the provisions of this Act at a police office, such complaint or case shall be lodged or entered and heard and determined at the police office in the city of Saint John, and any such complaint or case may be lodged, entered, heard, and prosecuted by any person acting for the Treasurer or under his authority or for him.

Appeal allowed under Act.

No. 169, s. 28.

Police magistrate may award a moiety of fine to informer.

16. Every person against whom a police magistrate shall decide, or who shall be convicted under any of the provisions of this Act, shall have a right to and may prosecute an appeal from any such decision or conviction under the circumstances, and in every case, and in the manner allowed and directed with respect to appeals in and by the "Act to facilitate the Performance of the "Duties of Police Magistrates with respect to Summary Convictions and "Orders."

17. It shall be lawful for the police magistrate before whom any case under the provisions of this Act shall be tried, in the event of the conviction of any person brought before him on complaint and of such person being fined, to award the person informing of the act, omission, or thing on account of which or whereby such fine arises and is incurred any sum not exceeding one moiety of such fine, which sum so awarded shall, on the certificate of the magistrate stating the sum awarded, be paid to such person so informing by the Treasurer if and when the said fine shall be paid, and out of such fine; and such person so informing shall be a competent witness in the prosecution of the complaint or case lodged or proceeded on for the recovery of any such fine or penalty.

Fines and penalties to be paid into Treasury.
Title of Act.

18. Fines and penalties under and by this Act made payable shall be paid into the public Treasury for the public uses of the Colony.

19. This Act may be cited as the "Excise Act, 1864."

SCHEDULE A.

FORM of APPLICATION for PERMIT.

To the Treasurer.

I, the undersigned, hereby apply for a permit to remove from *(specifying name of plantation or place)* to *(state the name of the person to whom rum is to be removed; if the rum is to be shipped after word "to" insert words "be shipped")* at *(state particularly to what place rum is to be removed; if the rum is to be shipped give name of vessel by which rum is to be shipped, using words "on board" instead of word "at")* gallons of rum of proof strength *(if there are various strengths of rum state the quantity of each strength)*.

Dated this day of 18 .

FORM of PERMIT.

of is hereby authorized to remove gallons of rum
proof strength *(this according to specification in application for permit)*
from to at or on board *(as case may be)*
Given under my hand and dated this day of 18 .

Treasurer.

SCHEDULE B.

Name of owner or proprietor of estate on which rum is made.	Name of estate.	On hand per last return.	Made since last return.	Strength.	Total.	How disposed of.	Strength of rum.	Remaining on hand.	
								Gallon.	Strength.

I do solemnly and sincerely declare that the above statement is a just and true statement of the quantity and strength of rum on hand on estate on the first day of and of the quantity and strength of rum made on the same estate from the first day of to the first day of this instant month of and of the quantity and strength of rum disposed of and how disposed of from such estate during the period from the said first day of to the said first day of and of the quantity and strength of rum now remaining on hand on the said estate, and I make this solemn declaration conscientiously believing the same to be true.

Made before me this day of 18 .

Treasurer.

SCHEDULE C.

I owner of rum herein-after declared to be lost, do solemnly and sincerely declare that (*here state full particulars of quantity and strength of rum lost, how lost, and how and where same was being conveyed when lost*), and make this solemn declaration conscientiously believing the same to be true.

Made before me this day of 18 .

Treasurer.

No. 220.

AN ACT to make Provision for the Performance of the Duties of the Office of the Registrar of Deeds.

[*Dated 8th July; Left to its operation by Order in Council dated 1st November 1864.*]

BE it enacted by the Governor, the Council, and Assembly:

1. There shall be paid on the warrant of the Governor to the registrar of deeds, so long as Warwick Pearson Hyndman, the present registrar of deeds, shall continue to fill that office, the annual salary of two hundred and fifty pounds, and on his ceasing to hold such office the office of registrar of deeds shall be united to the office of Colonial Secretary, and the duties of registrar of deeds shall thenceforth be performed by the Colonial Secretary without any further appointment, for which additional duty the Colonial Secretary shall receive the annual salary of one hundred and fifty pounds, he providing his own clerk.

Salary to present registrar. On W. P. Hyndman ceasing to be registrar of deeds, the office to be united to that of Colonial Secretary, and rate of salary.

2. There shall be paid on the warrant of the Governor an annual sum not exceeding ten pounds for or towards the rent of a suitable place for the deposit of the books, papers, and records deposited and kept in the office of the registrar of deeds until a public building or other suitable and unrented place shall be provided for that purpose.

Allowance for rent of office.

Incidental expenses
of the office.

3. The registrar of deeds and the Colonial Secretary when performing the duties of the office of the registrar of deeds shall on the first day of every month or so soon after as possible submit to the Board of Audit, in duplicate, an account or statement in detail of the expenses incurred or paid for and on account of the office for the then last preceding month, and the amount for which such account shall be audited, allowed, and passed shall be paid on the warrant of the Governor, and a copy of such account shall be laid before the Council and Assembly on their first meeting after, and provided always that such amount shall not exceed fifteen pounds *per annum*.

Governor to appoint
registrar's clerk.

4. It shall be lawful for the Governor from time to time to appoint a person to act as clerk to the registrar of deeds so long as the said Warwick Pearson Hyndman shall hold that office, which clerk shall hold his office during the pleasure of the Governor and the continuance in office of the said Warwick Pearson Hyndman, and shall receive a salary at the rate of fifty pounds *per annum*.

Office hours.

5. The office of the registrar of deeds shall be kept open for the transaction of any business therein or connected therewith from the hour of ten in the forenoon to the hour of four in the afternoon.

Fees to be collected
for the public use.

6. There shall be paid to the registrar of deeds and to the Colonial Secretary when performing the duties of the office of registrar of deeds the fees and charges set out in the Schedule "A." to this Act for the public uses of the Colony; and the registrar of deeds or Colonial Secretary, as the case may be, shall refuse to receive any deed, will, document, or paper for record, or to allow any search, or to commence to make any copies from the books of the registrar, or any certificate, or to be present at or witness any acknowledgment, or to perform any of the duties of the office for any person, unless such person shall previously pay the fees or charges chargeable or payable under this Act.

Fees to be paid into
Treasury monthly.

7. The fees and charges hereby made payable shall be paid into the Treasury for the public uses of the Colony on the first day of every month.

Registrar and clerk
not to act as attorney,
conveyancer, &c. or
to give advice in law
matters.

8. It shall not be lawful for the registrar of deeds or any clerk in his office to act as attorney, agent, or adviser of the plaintiff, defendant, or other suitor or person in any action, suit, or other matter in any court in this Colony, or to give advice in any law matter, or to act as a conveyancer, or to accept any gratuity for the performance of any duty in connexion with the registrar of deeds office.

SCHEDULE A.

	<i>s.</i>	<i>d.</i>
For recording every deed or other writing, per folio of 90 words	-	1 6
For every acknowledgment	-	6 0
For copying any record, per folio of 90 words	-	1 6
For every certificate	-	8 0
For every attendance of registrar to take an acknowledgment in town	-	12 0
For every attendance of registrar to take an acknowledgment in the country, besides the hire of a conveyance	-	16 0
For swearing each surety to a recognizance before the registrar on a sale of lands and tenements by the provost marshal	-	8 0
For searching records, each year	-	1 0

No. 221.

AN ACT to make Provision for the Performance of the Duties of the Office of Provost Marshal. Vide No. 214, s. 24.

[Dated 8th July; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows :

1. There shall be paid on the warrant of the Governor to the provost marshal the annual salary of five hundred pounds. Provost marshal's salary.
2. It shall be lawful for the Governor to appoint a clerk in and for the office of the provost marshal, and there shall be paid on the warrant of the Governor to such clerk the annual salary of one hundred pounds. Clerk in the marshal's office; salary.
3. The office of the provost marshal shall be kept open for the purposes of the transaction of any business therein or connected therewith from the hour of ten in the forenoon to the hour of four in the afternoon. Office hours.
4. The provost marshal shall on the first day of every month or as soon after as possible submit to the Board of Audit, in duplicate, an account or statement in detail of the sums paid or expenses incurred to, for, or on account of constables, service of writs, subpoenas, jury notes, or other necessary expenses of his office for the then last preceding month, and the amount for which such account shall be audited, allowed, and passed (if any sum of money is required for that purpose), together with such sum as the Board of Audit shall certify is required for the purpose of meeting such expenses of the office for that month, shall be paid to the provost marshal on the warrant of the Governor. Audit of marshal's account for incidental expenses of his office.
5. There shall be paid to the provost marshal for the public uses of the Colony the fees and charges mentioned and set forth in Schedule A. to this Act, and such fees and charges shall be paid by the provost marshal into the Treasury for the public uses of the Colony on the first day of every month; and all fees and charges payable to the provost marshal by this or any other Act passed or to be passed shall be paid to him before the performance of the duty or service required of him in respect of which such charges or fees shall respectively be payable. Fees in Schedule A. to be collected by provost marshal for the public use.
6. In addition to any rates, taxes, assessments, or monies authorized to be levied by the provost marshal on any warrant issued by the Treasurer, or Treasurer and accountant, there shall be raised, collected by, and paid to the provost marshal a further sum amounting to five pounds *per centum* on every sum in each warrant authorized to be levied; and the provost marshal shall levy such per-centage under every such warrant as if the same was included therein. Ponndage of 5 per cent. on amount levied under Treasurer's warrant.
7. There shall be paid to a constable to whom shall be delivered any precept for the collection of any rates, taxes, assessments, or monies as and for a remuneration for collecting such rates, taxes, assessments, or monies such sum or commission on the amount collected by such constable under or by virtue of such precept as shall be fixed by a table or rate to be made, and from time to time as shall be requisite altered by the Board of Audit, with the consent of the Governor, and such sum or commission shall be deducted and paid out of the amount collected on and under such precept, and shall not in any case exceed such per-centage as aforesaid. Remuneration to constables employed in collecting taxes, &c.
8. It shall not be lawful for the provost marshal or any clerk in his office to act as attorney, agent, or adviser of the plaintiff, defendant, or other suitor or person in any action, suit, or other matter in any court in this Colony, or to Provost marshal and clerk not to act as attorney or give advice in law matters

give advice in any law matter, or to act as a conveyancer, or to accept any gratuity for the performance of any duty in connexion with the provost marshal's office.

SCHEDULE A.

	£	s.	d.
Serving each subpoena in the country - - - - -	0	2	6
Serving each subpoena in the city of Saint John - - - - -	0	1	3
Serving a complaint in the country - - - - -	0	2	6
Serving a complaint in town - - - - -	0	1	3
Serving a warrant of arrest - - - - -	0	10	0
Every bail bond on arrest - - - - -	0	2	6
Serving warrant of arrest on board ship, if out of harbour - - - - -	1	5	0
Serving warrant of arrest on board ship, if in harbour - - - - -	0	12	6
Serving writ of partition, summoning a jury, attending court, and making a return of the same - - - - -	5	0	0
Serving a writ of possession in town - - - - -	0	10	0
Serving a writ of possession in the country, ten shillings, and for every mile - - - - -	0	2	6
Serving a writ of habeas corpus, and for each day the party is in custody on it - - - - -	0	2	6
Serving a scire facias to revive judgment and for copy - - - - -	0	3	6
Serving a replevin and return - - - - -	0	8	0
Serving writ of ne exeat insula - - - - -	1	10	0
Bail bond on the same - - - - -	0	7	6
Serving an injunction in Chancery - - - - -	0	16	0
Serving an attachment out of the Court of Chancery - - - - -	1	10	0
Each day every person continues in custody on attachment - - - - -	0	2	6
Serving each summons in an action in or within one mile of the city of Saint John - - - - -	0	5	0
Do. in the country - - - - -	0	10	0
Serving each extra summons in the city of Saint John - - - - -	0	1	3
Do. in the country - - - - -	0	2	6
Receiving and minuting an execution issued out of the Court of Chancery or Court of Common Pleas - - - - -	0	2	6
Do. execution on complaint - - - - -	0	1	3
List or extract of executions against any person, for each execution, assigning over an execution - - - - -	0	10	0
Lodging depositions on bond or otherwise - - - - -	0	1	3
Attaching monies in the hand of a debtor and serving the same - - - - -	0	10	0
Searching records, for each volume - - - - -	0	2	0
A certified copy of executions against any person - - - - -	0	10	0
On entering up satisfaction on an execution - - - - -	0	5	0
Serving each special warrant - - - - -	0	3	0
Levy fee for levy in city of Saint John - - - - -	0	10	0
Levy fee for levy in country beyond above fee, at per mile from city - - - - -	0	2	6
Poundage on net proceeds (after payment of all incidental expenses on levy and sale), to the extent of the amount due on execution or levied for, at the rate per cent. of - - - - -	2	10	0
But no poundage shall be demanded in respect of any sum on any warrant issued by the Treasurer or by the Treasurer and accountant.			
Serving each notice or summons on a juror or any person in relation to any fine or recognizance in and within one mile of the city - - - - -	0	2	6
Exceeding that distance and within five miles of the city - - - - -	0	5	0
Beyond five miles from the city - - - - -	0	10	0
Mileage in all cases shall be calculated to a place, and not to and from a place.			

No. 222.

AN ACT to secure certain Pensions, Salaries, and Allowances.

[Dated 8th July; Left to its operation by Order in Council dated 1st November 1864.]

WHEREAS certain pensions have been granted by several Acts of the Legislature of Antigua to certain persons for public services performed by them or their near connexions, or for injuries sustained in the performance of public duties, and it is intended to provide a pension for the Honourable John Gray, on his retiring from the office of Puisne Justice, and certain salaries and allowances are payable to certain other persons by Acts which it is expedient to consolidate:

Be it enacted by the Governor, the Council, and Assembly as follows:

1. There shall continue to be paid out of the public Treasury to the following persons during their natural lives, on warrant of the Governor, the several annuities or clear annual sums herein-after mentioned: Grant of certain pensions.

To William Meredith, for injury sustained while a matross at Fort James, twenty-six pounds thirteen shillings and fourpence, by even monthly payments:

To William Marshall, for injury sustained while a matross at Fort James, twenty-seven pounds, by even monthly payments:

To Eliza Boyce Nugent, the widow of the Honourable Nicholas Nugent deceased, formerly a judge of the Court of Common Pleas and Judge of the Vice-Admiralty Court, and Speaker of the House of Assembly, two hundred pounds, by even quarterly payments:

To Sir Robert Horsford, Knight, Companion of the Bath, for his services as Chief Justice, three hundred pounds, by even quarterly payments.

To William Kentish, for injury sustained while performing his duty in the militia, forty pounds, by even monthly payments:

To the Honourable John Gray, for his services as Puisne Justice, two hundred pounds, by even monthly payments, to commence on his retirement from that office.

2. The said monthly payments shall be computed from the last day of the calendar month preceding the passing of this Act, except as regards the pension to the said John Gray, which shall be computed from the day of his retirement from the office of Puisne Justice, and the said quarterly payments shall be computed from the last usual quarter day preceding the passing of this Act, and a proportional part of such monthly or quarterly payments shall be paid to the representatives of any such annuitant who shall die during any month or quarter up to and including the day of death. Computation of monthly payment.

3. There shall be paid to the officers herein-after mentioned, on the warrant of the Governor, the annual salaries or allowances herein-after mentioned: Certain salaries fixed.

To the Administrative Committee a sum not exceeding fifty pounds, for any No. 156. contingent expenses of the said Committee:

To the Secretary of the Administrative Committee, one hundred pounds:

To the Coroner, two hundred and sixty-seven pounds, in full compensation as well for the duty and service required to be done or performed by him as for all charges or other expenses incident to or attending the exercise or execution of his office:

To the Master and Clerk of the Poor House, one hundred and twenty No. 122. pounds:

To the Matron of the Poor House, sixty pounds:

- No. 126. To the Dispenser and Warden of the Holberton Hospital, one hundred pounds:
And to Luke Cole, so long as he shall continue to act as such dispenser, the further sum of fifty pounds:
- No. 133, s. 11. To John Shervington, Esq., so long as he shall continue to fill the situation of landing surveyor, two hundred and fifty pounds:
To the Assistant Clerk of the Treasury, eighty pounds:
To the additional or third Clerk of the Treasury, eighty pounds; subject, in respect to such assistant clerk and third clerk, to the provisions of the eighth clause of the "Act to reorganize the Treasury Department," dated the 10th day of August one thousand eight hundred and fifty-seven:
To the Crier of the Courts, thirty pounds:
And to Thomas Head, for past services, twenty pounds sixteen shillings:
- No. 92, s. 23. To the Puisne Justice for the time being, after the retirement of the Honourable John Gray, two hundred pounds; all fees receivable by or payable to the Puisne Justice, or attaching to his office, being collected by the Colonial Secretary and paid into the public Treasury for public uses.

No. 223.

AN ACT to amend the Laws relating to Jurors and Juries.

[Dated 8th July 1864; Left to its operation by Order in Council dated 9th March 1865.]

BE it enacted by the Governor, the Council, and Assembly as follows:

Persons qualified to
serve on all juries.

1. All male subjects of Her Majesty, Her heirs and successors, who may have the qualification set forth in this section; that is to say, every person possessing a qualification which according to the laws for the time being shall entitle him to be elected a member to serve in the General Assembly of this Colony, or to be registered as a voter in the election of a member to serve in such Assembly, shall be qualified and liable to serve on all juries, and the non-registration of any such person in the list of voters or the non-registration of the qualification of such person in the office of the registrar of deeds shall not exempt such person from service as a juror.

Persons qualified to
serve on all juries
except grand juries.

2. All male subjects of Her Majesty, Her heirs and successors, who may have the qualification set forth in this section; that is to say, every attorney or chief agent of an absent proprietor or possessor of a plantation containing not less than fifty acres of land; every manager or chief person resident upon or in charge of a plantation entitled to salary at or exceeding the rate of fifty pounds *per annum* without board and lodging, or thirty pounds with board and lodging; every merchant, storekeeper, tradesman, artificer, and principal clerk in the possession, enjoyment, or receipt of an income or salary at or exceeding the rate of fifty pounds *per annum* without board and lodging, or thirty pounds with board and lodging, shall be qualified and liable to serve on all juries except grand juries; but no property qualification shall be required in the case of any person summoned and returned as a juror upon any inquest before any coroner.

Persons exempted
from serving on
juries.

3. The following persons shall be and are hereby freed and exempted from being returned and from serving on juries: All persons in holy orders of the United Church of England and Ireland, or of the Church of the United Brethren, or of the Church of Rome; all ministers of any congregation of Presbyterians or of Wesleyan Methodists, the Speaker of the House of Assembly, the

Treasurer and officers in the Treasury Department, the postmasters, the harbour-masters, the police magistrates, their clerks, and all police officers, the inspectors of roads, all persons who shall teach in any school and shall follow no secular occupation except that of a schoolmaster, all barristers-at-law actually practising and their clerks, all licensed medical practitioners and licensed druggists, the Colonial Secretary, the clerks in the offices of the Colonial Secretary and provost marshal, the clerk of the Council and clerk of the Assembly, all registrars of births and deaths, all officers in Her Majesty's navy or army on full pay, the clerk of the market, all parish clerks, all city and rural constables, matrosses, and persons in charge of any fortification or signal station, all gaolers and officers of any prison, the keeper of the lunatic asylum, all licensed pilots, the coroner, the private secretary of the Governor and clerks in his office, the manager of the Colonial Bank, and all men of the age of sixty-five years and upwards.

No. 224, s. 5.

4. No man not being a natural-born subject of Her Majesty, Her heirs or successors, or naturalised by Act of Parliament or of the Legislature of this Colony, is or shall be qualified to serve on juries or inquests except only in the cases herein expressly provided for; and no man who hath been or shall be attainted of any treason or felony or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry or excommunication, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatever.

Persons disqualified from serving on juries.

5. Nothing herein contained shall extend to deprive any alien indicted or impeached of any felony or misdemeanor of the right of being tried by a jury *de medietate linguæ*, but on the prayer of every alien so indicted or impeached the provost marshal or other proper officer shall by command of the court return for one half of the jury a competent number of aliens, if so many there be in this Island, and if not then so many aliens as shall be found in this Island, if any, and no such alien juror shall be liable to be challenged for want of freehold or of any other qualification required by this Act, but every such alien may be challenged for any other cause in like manner as if he were qualified by this Act.

Aliens may pray for a jury medietate linguæ.

6. It shall be a good cause of challenge of any person summoned to serve as a juror in any court of criminal or civil jurisdiction that he is unable to read and write.

Inability to read and write.

7. The provost marshal shall before the first day of November in each year make out a true list in alphabetical order of all men qualified and liable to serve on juries, with the christian and surname written at full length, and with the true place of abode, quality, calling, or business, and the nature of the qualification of every such person, in the proper columns according to the form in Schedule A. to this Act, and shall within fourteen days next after the said first day of November in each year cause a printed copy of such list to be set up on the south door of the court house and on the south door of the cathedral, and on a principal door of each parish church, with a notice at the foot of such list subscribed by him stating that all objections to such list will be heard by the police magistrate of the district during the said month of November.

Provost marshal before November in each year to make out list of jurors.

Printed copy of list to be set up at certain places.

8. Any person named in such list may within the said month of November apply to the police magistrate of the district in which he resides and object to his name being continued in such list, and if such person shall satisfy the magistrate that he is not qualified or is incapacitated from infirmity or other just cause to serve as a juror the magistrate shall expunge the name of such person from such list, and the magistrate may, with the consent of any person qualified to serve as a juror and whose name may have been omitted in such

Police magistrates to hear objections to lists and correct same.

list, insert the name of such person therein, with his place of abode, quality, calling, or business, and qualification, and the magistrate may receive evidence on oath or by solemn affirmation or declaration taken or made before him touching the claim of any person to be removed from or put on any list of jurors.

Lists to be returned
by police magistrates.

9. The police magistrate in each district shall sign the list of jurors so corrected as aforesaid, and within the first three days of December in every year cause the same to be delivered to the provost marshal at his office.

Preparation of jurors
book.

10. The provost marshal shall keep the list so returned by every such police magistrate to him among the records of his office, and shall cause the names to be fairly and truly copied in alphabetical order in a book to be by him provided for that purpose at the public expense, with proper columns suited to the form of the return in which the lists are made, within ten days from the time of receiving the last return, which book shall be called the jurors book for the succeeding year (inserting the calendar year for which such book is to be in use), and every book so prepared shall be brought into use immediately after the same shall be perfected, and be used until another book shall be compiled in manner aforesaid for each succeeding year, and the jurors summoned for any court in January in any year shall be taken from the jurors book made up in the preceding December.

Grand jurors.

11. The provost marshal shall choose from the lists so returned persons of the best note qualified to serve as grand jurors not exceeding thirty, whose names shall be entered by him in a separate part of the jurors book as grand jurors, but their names shall not be removed from the general list of jurors.

Copy of jurors book
to be lodged with
Secretary.

12. The provost marshal shall lodge with the Colonial Secretary in the month of December in every year a true copy of the jurors book, and the Secretary shall carefully keep the list of jurors returned at each court.

Venire in Queen's
Bench.

13. The clerk of the Crown or other proper officer shall ten days at least before the sitting of each Court of Queen's Bench issue out a writ or precept in general terms in the name of Her Majesty, Her heirs or successors, tested in the name of the Chief Justice and sealed with the seal of the said court, to summon a sufficient grand jury and sufficient petty juries of good and lawful men qualified as aforesaid to serve at the next Court of Queen's Bench on the _____ day of _____ in the city of Saint John.

Provost marshal to
summon jurors pur-
suant to venire.

14. The provost marshal or other proper officer by virtue of such writ shall summon thirty persons qualified as grand jurors and at least forty-eight persons qualified as petty jurors to serve at the same court, and shall publish the holding of each court in the official gazette at least five days before the holding of such court.

Venire in Common
Pleas.

15. For the trial of all issues of fact triable by jury in the Court of Common Pleas, a general Venire facias shall be issued by the Secretary or other proper officer to summon at least forty-eight persons qualified to serve as jurors to appear at each such court, which Venire shall issue ten days before the court day, in the name of Her Majesty, Her heirs or successors, tested in the name of the Chief Justice and sealed with the seal of the said court.

Provost marshal to
return names of jurors
in three days.

16. The provost marshal or other proper officer shall, within three days from the receipt of every such Venire, return the names of men contained in the jurors book for the then current year, and no others, so summoned by him as aforesaid to serve as jurors pursuant to such Venire, and where process for returning a jury for the trial of any issue shall be directed to any coroner pursuant to the authority herein-after mentioned, he shall have free access to the jurors book for the current year, and shall in the like manner return the

Coroner.

names of men contained therein, and no others: Provided always, that if there be no jurors book in existence for the current year, it shall be lawful to return jurors from the jurors book of the year preceeding.

17. The provost marshal or other proper officer shall cause to be made out an alphabetical list of the names of all the jurors contained in any return made by him to any such writ of *Venire facias* issued as aforesaid, with their respective places of abode and additions, and shall keep such list in his office for seven days at least before the sitting of any such court from which any such writ of *Venire facias* shall issue, and the parties in all causes to be tried at any sitting of any such court and their respective attorneys shall on demand have full liberty to inspect such list without any fee or reward to be paid for inspection.

Provost marshal to make out list of jurors for inspection of parties.

18. The provost marshal or other proper officer shall summon all persons whose names shall be transcribed in such jurors book, according to the order in which such names shall be in such book alphabetically placed, beginning with the name under the highest letter of the alphabet, and taking the name under the next highest letter, *toties quoties*, until he has completed the panel required, until every person shall have been summoned in his turn, and at the commencement of each year the provost marshal shall begin with the names in the new book next after the names of the persons in the old book who were last summoned in the preceeding year.

Provost marshal to summon jurors in order prescribed.

19. Every juror shall be summoned four days before the day when his appearance is required, and the summons shall be in writing or print, signed by the provost marshal and dated, and shall be to this effect:

Jurors when to be summoned.

‘ Mr. (*naming the juror*) you are hereby summoned to appear as a grand juror (or juror, as the case may be) at the next Court of Queen’s Bench or Common Pleas (*as the case may be*), to be held on the day of .’

20. Every summons of a juror shall be served personally, or by leaving the same at his usual place of abode, at least four days before, exclusive of the day of attendance.

Jurors how to be summoned.

21. Every man duly summoned to serve as a juror in any court of record holden within this Colony who shall not appear in obedience to any such summons, after being openly called in court at least three times, or offer some sufficient excuse for his absence, or shall depart from such court during the sitting of the same without leave of the court, shall forfeit and pay to Her Majesty, Her heirs and successors, a fine, that is to say, a grand juror forty shillings, and every other juror twenty shillings for each day’s default, for which execution in the form in the next succeeding section mentioned shall be issued by the Secretary; provided that it shall be lawful for the Chief Justice at any time during the sitting of any such court, before the discharge of the jurors summoned to attend such court, or within ten days next after the day of such discharge, to remit such fine, if he shall see fit, but not to reduce such fine.

Penalty on jurors not attending.

22. If any man having been duly summoned and returned to serve as a juror upon any inquest before any coroner shall not, after being openly called three times, appear and serve as such juror, any such coroner is hereby authorized and required, unless some reasonable excuse shall be proved on affidavit or solemn affirmation or declaration before him within ten days next thereafter, to impose a fine of twenty shillings upon every man so making default, and such coroner shall make out and sign a certificate containing the christian and surname, residence, and trade or calling of any man so making default and the cause of such fine, and shall forward such certificate to the Secretary or Clerk of the Crown, who shall record the same among the proceedings of the Queen’s Bench, and execution in the form prescribed by the Common Law Courts

Penalty on juror not attending inquest before coroner.

Venire in civil causes where provost marshal is a party.

Amendment Act shall thereupon be issued by the Secretary or Clerk of the Crown for the recovery of any such fine.

23. In any civil cause in which the provost marshal shall be concerned as plaintiff or defendant, a special Venire facias shall be issued to the coroner to summon twenty-four persons qualified to serve as jurors in the cause in which the provost marshal shall be so concerned at the then next court, which Venire facias shall be issued ten days before the court day, and the time for the delivery and returning of summons and all other proceedings therein by the coroner shall be regulated as before directed, except that the form of summons to be signed by the coroner shall be as follows:

'*A.B. (naming the man)* you are hereby required to appear as a juror at the next Court of Common Pleas, to be held on the day of to try all issues joined in the causes in which *C.D. (naming the provost marshal)* shall or may be plaintiff or defendant.'

And to the end that the secretary may have timely notice for issuing such special Venire facias the provost marshal shall, at least twelve days before the holding of any court in which any such cause may be coming on for trial in which he is plaintiff, leave notice in writing in the Secretary's office of such cause coming on for trial, and in default of his so doing such cause shall not be tried or determined by the jury summoned by the provost marshal, unless by consent of the defendant, but be either continued or discontinued, as the court shall think proper and in any action or suit against the provost marshal the plaintiff shall in like manner give notice thereof in order that a special Venire facias to the coroner may be issued as aforesaid, and in default of so doing such cause shall be tried or determined by the jury summoned by the provost marshal.

Jurors to be drawn for as herein prescribed.

24. At the sitting or holding of each court for the trial of any issues in civil or criminal cases, the name of each juror summoned shall be written on a separate piece of card or paper and put into a box, and when any such issue shall be called on to be tried, the Secretary or the Clerk of the Crown or other proper officer of the court shall in open court draw therefrom twelve of the said cards or papers one after another, and if any of them whose names shall be so drawn out shall not appear, or shall be challenged or objected to and set aside, then such further number until twelve men be drawn, who shall appear, and after all just cause of challenge allowed shall remain as fair and indifferent; and the said twelve men so first drawn and appearing shall be the jury to try that issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict and the same shall be recorded, or until such jury shall by consent of the parties or by leave of the court be discharged, and then the same names shall be returned to the box, there to be kept with the other names remaining at the time undrawn, and so *toties quoties* as long as any issue remains to be tried.

Court may try other issues though the first jury may not have returned verdict.

25. It shall be lawful for any such court to proceed with the trial of any other issue pending before such court notwithstanding the jury in any issue shall not have brought in their verdict or been discharged; and it shall be lawful for the court to order twelve of the residue of the said pieces of card or paper, not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in such manner as aforesaid for the trial of the issue which shall be so brought on to be tried: Provided also, that where no objection shall be made on behalf of the Queen or any other party it shall be lawful for the court to try any issue with the same jury that shall have previously tried or been drawn to try any other issue without their names being returned to the box and redrawn, or to order the name or names of any

man or men on such jury whom both parties may consent to withdraw, or who may be justly challenged or excused by the court, to be set aside and another name or other names to be drawn from the box, and to try the issue with the residue of such original jury and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so *toties quoties* as long as any issue remains to be tried.

26. In all inquests taken in any court of this Colony wherein the Queen is a party, howsoever it be, notwithstanding it be alleged by them that sue for the Queen that the jurors of those inquests or some of them be not indifferent for the Queen, yet such inquests shall not remain untaken for that cause; but if they that sue for the Queen will challenge any of those jurors they shall assign of their challenge a cause certain, and the truth of the same challenge shall be inquired of according to the custom of the court, and it shall be proceeded to the taking of the same inquisitions as it shall be found if the challenge be true or not, after the discretion of the court; and no person arraigned for murder or other capital felony shall be admitted to any peremptory challenge above the number of twenty, and no person arraigned for any felony not capital shall be admitted to any peremptory challenge above the number of twelve, and every peremptory challenge beyond the number aforesaid shall be entirely void.

Challenges for the Crown how to be dealt with.

Number of peremptory challenge in capital felonies. Number of such challenges in felonies not capital.

Proceedings in respect of tales.

27. Where a full jury shall not appear in any case, criminal or civil, before any court of record, or where after appearance of a full jury by challenge of any of the parties the jury is likely to remain untaken for default of jurors, every such court, upon request made for the Queen by the Attorney General or other Her Majesty's counsel, or on request made by the parties plaintiff or defendant in any action or suit, shall command the provost marshal or other officer to whom the making of the return shall belong to name and appoint, as often as need shall require, so many of such other able men then present as shall make up a full jury, and the provost marshal or other officer aforesaid shall at such command of the court return such men whose names shall be taken from the jurors book then in use as shall be present or can be found to serve on such jury, and shall add and annex their names to the former return: Provided that where a special jury shall have been struck for the trial of any issue the talesmen shall be such as shall be upon the common jury panel to serve at the same court, if a sufficient number of such men can be found; and the Queen and the parties aforesaid shall in each such case have their respective challenges to the jurors so added and annexed, and the court shall proceed to the trial of every such issue with those jurors who were before impanelled, together with the talesmen so newly added and annexed, as if all the said jurors had been returned upon the writ or precept awarded to try the issue.

28. If any man shall be returned as a juror for the trial of any issue who shall not be qualified according to this Act, the want of such qualification shall be good cause of challenge, and he shall be discharged upon such challenge if the court shall be satisfied of the fact; and if any man returned as a juror for the trial of any issue shall be qualified in other respects according to this Act, the want of freehold shall not on such trial in any case, civil or criminal, be accepted as good cause of challenge either by the Crown or the party, nor any cause for discharging the man so returned upon his own application, any law to the contrary notwithstanding.

Want of qualification cause of challenge.

29. Upon the trial by jury of any civil cause in any court of record the jury shall not be kept in deliberation longer than twelve hours, unless at the end of that period they unanimously concur in applying for further time, which in that case shall be granted by the court; and if at the expiration of the twelve hours or such prolonged time for deliberation nine of the jury shall agree the verdict agreed to by such nine may be returned as the verdict of the jury and

In civil causes jury to be discharged at end of 12 hours unless they apply for further time.

Verdict of nine jurors to be taken as verdict of jury.

Refreshment may be allowed by court.

shall be taken and shall have the same force and effect as if found unanimously by the whole of the jury, any statute to the contrary notwithstanding; and during the said period the jury may be provided with necessary refreshments by leave of the court; but if either the period of twelve hours or such prolonged time as aforesaid shall expire during the adjournment of the court the jury shall be kept together until the meeting of the court, and shall not then separate without the leave of the court.

Court may order special jury.

30. It shall be lawful for the judge of any court of record, upon application made on behalf of the Crown, or upon the motion of any prosecutor, relator, plaintiff, defendant, or tenant, in any case whatsoever, whether civil or criminal, or on any penal statute (excepting only indictments for treason or felony), depending in any such court, and such judge is hereby authorized in any of the cases before mentioned to order and appoint a special jury to be struck before the proper officer of such court for the trial of any issue joined in any of the said cases and triable by a jury, and every jury so struck shall be the jury returned for the trial of such issue.

Special jury how to be struck.

31. Whenever the judge of any court of record shall order a special jury to be struck before the Secretary or other proper officer of the court, such officer shall appoint a time and place for the nomination of such special jury, and a copy of the rule of court and of such officer's appointment shall be served on the provost marshal and on the adverse party, plaintiff or defendant, and such officer at the time and place appointed, being attended by such provost marshal, who is hereby required to bring with him the jurors book and a list of forty-eight men chosen by him thereout to form such special jury; and if either party or his attorney shall object that any man named in such list is in any way incapacitated from serving on the said jury, and shall also then and there prove the same to the satisfaction of the said officer, such man shall be set aside and the provost marshal shall choose another name from the said jurors book, and so *toties quoties* until the whole number of forty-eight names not liable to be set aside shall be completed, and the said officer shall afterwards make out for each party a list of the forty-eight names together with their respective places of abode and additions; and all the subsequent proceedings for reducing the said list shall be according to the practice followed in like cases in Her Majesty's Court of Queen's Bench or Common Pleas at Westminster, except where the same or any part thereof is expressly altered by this Act.

Costs of special jury.

32. The person or party who shall apply for a special jury shall pay all fees for striking such jury at the time when the same shall be struck, and shall pay all expenses occasioned by the trial of the cause by the same, and shall not on taxation of costs be allowed the additional expenses thereof above the expenses of a common jury, unless the chief judge of the court before whom the cause shall be tried shall immediately after the trial certify under his hand that the same was a cause proper to be tried by a special jury.

Allowance to special jurors.

33. Every juror who shall serve upon any special jury shall be allowed for the trial of each and every issue the sum of one pound.

Court may grant a view.

34. It shall be lawful for any court of record to grant a rule where it shall appear expedient to such court that the jury should have a view of any place in dispute, and two or more jurors mutually agreed on between the parties shall be shown the place in question by two persons to be appointed by the said court; provided that such viewers shall be first sworn to try the issue.

The offence of embracery.

35. Every person who shall be guilty of the offence of embracery, and every juror who shall wilfully and corruptly consent thereto, shall and may be respectively proceeded against by indictment or information, and shall on conviction be punished by fine not exceeding fifty pounds and imprisonment not exceeding twelve calendar months at the discretion of the court.

36. Every person of the persuasion of the people called Quakers and every Moravian returned as a juror in any criminal or civil case shall be permitted to make his solemn affirmation or declaration instead of being sworn, which affirmation or declaration shall be of the same force and effect as if he had been sworn in the usual form.

Quakers and Moravian jurors may make affirmation in lieu of oath.

37. It shall not be necessary to specify in any presentment, indictment, inquest, or other legal proceeding that any persons who acted as jurors made affirmation instead of oath, and every such presentment, indictment, inquest, or proceeding may be in the accustomed form, or it may be therein stated that the jurors upon their oath and affirmation made presentment or found, as the case may be.

Form of proceeding in such case.

38. Any person who shall upon any examination upon oath or solemn affirmation or declaration, or in any affidavit made or taken under this Act, wilfully swear or affirm anything which shall be false, being convicted thereof, shall be liable to the penalties of wilful and corrupt perjury.

Persons making false affirmation liable to penalty of perjury.

39. Nothing in this Act contained shall abridge or affect any power or authority which any court or judge now hath, or any practice or form in regard to trials by jury, jury process, juries, or jurors, except in these cases only where any such power, authority, practice, or form is repealed or altered by or is or shall be inconsistent with the provisions of this Act.

Unrepealed powers of court not abridged.

40. This Act may be cited as the Juries Act, 1864.

Title of Act.

41. The Acts mentioned in Schedule B. to this Act shall be repealed to the extent specified in the third column of the said Schedule, except as to anything done or authorized to be done and not completed before this Act shall come into operation, and except as to any duty, obligation, right, or liability accrued under any such enactment, and any precept, warrant, or writ issued before this Act comes into operation shall continue and be of the same force and effect and be executed and acted upon as if this Act had not been passed.

Repeal of enactments.

42. Provided always, That until the completion of a jurors book under this Act persons heretofore qualified and liable to serve on any jury shall continue so qualified and liable, and until the completion of such book jurors shall be summoned as heretofore.

SCHEDULE A.

FORM OF JURY LIST AND NOTICE subjoined.

LIST of all MEN liable to serve on JURIES.

Surname and Christian Name at full length.	Title, Calling, or Business.	Nature of Qualification.

Take notice that all objections to the foregoing list must be made to and will be heard by a police magistrate within fifteen days next after the date hereof.

Dated this day of

18
(Signed)

Provost Marshal.

SCHEDULE B.

Enumeration of parts of Acts repealed.

No. 224.

AN ACT to provide for the Regulation of the Post Office.

[Dated 8th July; Left to its operation by Order in Council dated 1st November 1864.]

BE it enacted by the Governor, the Council, and Assembly as follows :

Appointment of postmaster and clerk for Saint John's, and deputy postmaster for English Harbour.

Security to be given by persons employed in the post office.

Salaries to officers in the post office.

Persons employed in office to be approved by Governor.

Officers of the post office exempt from serving on juries, &c.

General post office in Saint John's, and branch office in English Harbour.

Rules for the delivery of letters, &c.

Office hours.

No letters, &c. to or from United Kingdom subject to other than imperial postage.

1. The Governor may appoint a postmaster for the city of Saint John and a deputy postmaster for the town of English Harbour, but the persons at present holding those appointments need not be re-appointed. The Governor may also appoint a clerk to the postmaster of Saint John.

2. Each postmaster and deputy postmaster and clerk to the postmaster shall within six days from the time of his appointment give unto Her Majesty, Her heirs and successors, the bond of himself and two sufficient sureties, and in such sum as shall, as to the sureties and sum, be approved and fixed by the Governor in Council, for the due and faithful performance of the duties of his office and for the due payment of all monies which shall come to his hands by virtue of his office.

3. There shall be payable on the warrant of the Governor the following salaries : To the postmaster, the annual sum of one hundred pounds ; to the deputy postmaster, the annual sum of twenty pounds, and to the clerk to the postmaster for the city of Saint John the annual sum of fifty pounds, so long as the Governor may deem his services necessary ; and there shall be payable on the warrant of the Governor rent for a post office for the city of Saint John not exceeding twenty pounds *per annum*, the same to be payable as salaries are payable.

4. The postmaster and deputy postmaster shall submit to the Governor for his approval the names of any persons whom they may themselves desire to employ to aid and assist in the performance of the duties of their offices before such employment of any such persons.

5. The postmaster, deputy postmaster, clerk to postmaster for the city of Saint John, and all persons so as aforesaid employed in a post office, shall be exempt from serving on any jury or inquest, or in the militia.

6. There shall be established in the city of Saint John a general post office and in English Harbour a branch post office, in such places as the Governor in Council may direct or approve.

7. The Governor in Council may from time to time make rules and regulations for the delivery of all letters, newspapers, or parcels transmitted by post to this Colony for delivery therein.

8. The post offices shall be open between the hours of eight of the clock in the morning until four in the afternoon of every day, Sundays and holidays excepted ; provided that on any day on which the mails arrive the post offices shall be kept open for the delivery of letters, if necessary, until the hour of nine of the clock in the evening : Provided also, that if the mails arrive or are made up for despatch on a Sunday or any holiday the post offices shall be open from the hour of eight of the clock to the hour of ten of the clock in the forenoon and from the hour of one of the clock to the hour of three of the clock in the afternoon of such day.

9. No letter, newspaper, or parcel coming from the United Kingdom by post and deliverable at the city of Saint John or the town of English Harbour, and no letter or parcel posted in the city of Saint John or the town of English Harbour to be despatched to the United Kingdom, shall be liable to any other rate of postage than that fixed and charged by the Imperial Government, and

the postmaster and deputy postmaster shall collect and receive the same in all cases where the same shall be payable; no postage shall be charged or payable on any letter addressed to or sent by any private soldier or seaman employed in Her Majesty's service, beyond the rates charged by the Imperial Government: Provided that on all newspapers posted in this Colony for transmission to the United Kingdom, or any place except to any West Indian Colony, there shall be paid the sum of one penny.

Rate on newspapers
posted to the United
Kingdom.

10. On every letter brought to this Island by post from any place except the United Kingdom, and on every letter posted in the city of Saint John or town of English Harbour for despatch to any place except the United Kingdom, there shall be charged in addition to the rates charged by the Imperial Government the following rates:

Rates for other letters,
&c.

For any sealed letter or package not exceeding half an ounce, one penny:

For any sealed letter or package exceeding half an ounce but not exceeding one ounce, twopence:

For any sealed letter or package exceeding one ounce but not exceeding two ounces, fourpence:

And so in progression, an additional sum of twopence being charged for every additional ounce or fraction of an ounce.

11. Whenever it shall have been notified in the public gazette or contract newspaper of this Colony that any British Colony has adopted the system of or entered into agreement for prepaying on and for letters, printed books, pamphlets, newspapers, and other publications and manuscripts transmitted by such British Colony to this Colony, the amount chargeable on such letters, printed books, pamphlets, newspapers, and other publications and manuscripts and payable thereon to this Colony, as well as the amount payable thereon to the Imperial Government and such British Colony, and that on every letter, printed book, pamphlet, newspaper, and other publication and manuscript posted in this Colony for transmission to such British Colony there shall be prepaid the amount due and payable to such British Colony, as well as and beyond the amount payable to the Imperial Government and this Colony on every such letter, printed book, pamphlet, newspaper, and other publication and manuscript, then there shall be prepaid on every such letter, printed book, pamphlet, newspaper, and other publication and manuscript transmitted to such British Colony from this Colony all and every such respective amounts by affixing thereon a stamp or stamps of this Colony of the value of the postage payable.

Agreement with
British colonies for
the prepayment of
postage on letters, &c.

12. On every letter, printed book, pamphlet, and other publication and manuscript posted in this Colony for transmission to the United Kingdom or any British Colony there shall be prepaid by affixing thereon a stamp or stamps of this Colony of the value of the postage chargeable, the amount of postage payable thereon to the Imperial Government and this Colony respectively.

Postage to be prepaid.

13. No letter, printed book, pamphlet, or other publication or manuscript not prepaid as is required by the two last preceding sections of this Act shall be received at any post office in this Colony for transmission.

Letters, &c. not pre-
paid not to be for-
warded.

14. On printed books, pamphlets, and other publications and manuscripts brought to this Colony by post from any place except the United Kingdom, or posted in this Colony for transmission to any place except the United Kingdom, there shall be charged and payable to this Colony in addition to the amount payable thereon to the Imperial Government the following rates:

Printed books, &c.

For every printed book, pamphlet, or other publication or manuscript not exceeding four ounces, one penny:

For every printed book, pamphlet, or other publication or manuscript exceeding four ounces and not exceeding eight ounces, twopence :

For every printed book, pamphlet, or other publication or manuscript exceeding eight ounces and not exceeding sixteen ounces, fourpence :

And so in progression, an additional sum of twopence being charged for every additional eight ounces : Provided always that,

Proviso.

1. The said printed books, pamphlets, and other publications and manuscripts shall be without a cover or in a cover open at the ends :

2. There be no words or communications written upon any part of the same or upon any part of the cover thereof except the name and address of the person to whom the same shall be directed and the name of the person transmitting the same :

3. There be no paper or thing enclosed within the same.

Postage on patterns of merchandise.

15. Patterns of merchandise may be sent through the post from this Colony to the United Kingdom and any British Colony acquiescing in such arrangement, and may be sent through the post to this Colony from the United Kingdom and any such British Colony at such rates, as regards and payable to the United Kingdom as shall be fixed by the Imperial Government, and as regards and payable to any such British Colony as shall be fixed by such British Colony, and as regards and payable to this Colony at the same rate and in the same proportion as are hereby made payable with respect to printed books, pamphlets, and other publications and manuscripts : Provided always that,

1. The patterns must not be of intrinsic value. This provision excludes all articles of a salcable nature, and whatever may have a value of its own apart from its mere use as a pattern :

2. The quantity of any material sent ostensibly as a pattern must not be so great that it may be considered as having on that ground an intrinsic value :

3. The patterns must not bear any writing other than the address of the persons or firm for whom they are intended, a manufacturers or trade mark, numbers, and prices of the articles :

4. The patterns must be sent in open covers, open at the ends so as to be easy of examination ; but samples of seeds, drugs, or such articles as cannot be sent in open covers may be enclosed in bags of linen or other material, but sealed or closed bags, although transparent, must not be used for this purpose :

5. No article likely to injure the contents of the mail bags or the person of any officer of the post office may be sent as a pattern, and any such article would be stopped and not sent to its destination :

6. No paper or thing may be enclosed within or with any pattern.

Postmaster may examine printed books, &c.

16. The postmaster or deputy postmaster may open and examine any printed book, pamphlet, newspaper, or other publication, manuscript, or pattern sent through the post without a cover, or in a cover open at the end, in order to discover whether it in any way contravenes or is contrary to the provisions and conditions on and under which the same may be sent through the post ; and in case any one of such provisions or conditions is in any way transgressed or violated such printed book, pamphlet, newspaper, publication, manuscript, pattern, or sample bag on or on which any such provision or condition has been transgressed or violated shall be charged with the postage to which a letter of the same weight would be liable.

Publication of notice of unpaid letters, &c.

17. The postmaster shall once in every month publish in the contract newspaper a notice of all letters which shall be posted without payment of the full rate of postage payable thereon, specifying the address of such letters and the

amount by which every such letter is short paid, and if the rate or amount of rate payable on any such letter shall not be paid within one calendar month after the first publication of such notice it shall be lawful for the postmaster to open any such letter, and it shall be the duty of the postmaster to inform the writer of such letter of its detention, with the amount of postage remaining unpaid.

18. It shall be lawful for the Governor in Council to make rules and regulations with respect to the issue of orders for money from the post office in this Colony and payable at any duly authorized post office in the United Kingdom or any British possession, and for the payment of orders for money issued from any duly authorized post office in the United Kingdom or any British possession and payable in this Colony, and such rules and regulations from time to time, as may be required, to alter or revoke and to make others in their stead; Provided that any such rules and regulations be submitted to the Legislative Council and Assembly and be by them approved before they have any force and effect: Provided also, that the rules and regulations for the purposes of such money orders already made and approved and in force at the time of the passing of this Act shall continue in force until the same shall be altered or revoked.

Governor in Council to make rules respecting issue of money orders.

Post, p. 783.

Rules to be approved by Council and Assembly.

Rules in force at passing of this Act valid.

19. The Governor may in the event of the same being required issue his warrant on the Treasury of this Colony for the payment of any order for money issued from any duly authorized post office in the United Kingdom or any British possession and payable in this Colony.

Warrant on the Treasury for payment of money orders drawn on this Colony.

20. There shall be submitted to the Governor, to be by him transmitted to the Council and Assembly, once in every quarter, a report on the working and result of the issue and payment of such orders for money for the then last preceding three months.

Quarterly report on the working of money order system.

21. It shall be lawful for the Governor in Council from time to time to make, alter, and revoke rules and regulations for the authorizing and regulating the deposit, carriage, or delivery of letters from and to persons within this Colony, and for imposing the rates chargeable for any such depositing, carriage, or delivery of letters: Provided that all such rules and regulations be submitted to the Legislative Council and Assembly and be by them approved before they have any force and effect: Provided also, that at the end of three calendar months from the first instituting of the system of such deposit, carriage, or delivery of letters from and to persons within this Colony, and so thenceforward at the end of every three calendar months, there shall be submitted to the Legislative Council and Assembly, if then sitting, and if not then sitting at their first meeting for business afterwards, an account of the expenses and proceeds of such depositing, carriage, or delivery of such letters, and if it shall then be found that such expenses exceed such proceeds the rules and regulations then in force shall, on a resolution to that effect by either the Council or Assembly, cease to have any force and effect; but it shall be lawful for the Governor in Council in any such case to make any other rules and regulations for any such purposes, and such rules and regulations to at any time alter and revoke and make others in their stead, which rules and regulations or amended rules and regulations must be approved by the Legislative Council and Assembly before they shall have any force and effect; and the members of the police force may be employed in connexion with this service.

Inland post.

22. Official letters and communications which by the Imperial regulations are carried through the post free of postage shall be transmitted and received through the post free of postage payable to this Colony.

Official communications exempt from postage.

Postage stamps to be provided.

23. It shall be lawful for the Governor to provide proper and sufficient postage stamps and on his warrant to pay the expenses incurred for such purpose.

Provision for sale of postage stamps.

24. The postage stamps provided for this Colony shall be retailed and sold by the postmaster and deputy postmaster, to whom such postage stamps shall be supplied on the order of the administrative committee, and the proceeds of the sale of such postage stamps shall be considered as monies received by the postmaster and deputy postmaster for the public uses of the Colony and by him payable into the Treasury.

Letters may be registered.

25. Any letter posted in this Colony may be registered, and there shall be charged for each letter so registered the sum of sixpence; but such registration shall not render the postmaster or deputy postmaster in any manner liable for the loss of any such registered letter or the contents thereof.

Accounts, &c. to be kept as directed by Postmaster General.

26. The transatlantic and intercolonial letter-bills and necessary accounts to be kept with the General Post Office in London, or with any colonial post office, shall be kept in such manner and form as now or from time to time directed by Her Majesty's Postmaster General, and in the absence of any such directions as may be directed by the Governor in Council.

Accounts of money received to be laid before Board of Audit.

27. The postmaster and deputy postmaster respectively shall keep a correct account of all letters, books, pamphlets, newspapers, publications, manuscripts, and patterns passing through their respective offices to and from the United Kingdom and to and from all other places, with the postage paid thereon and fees received for letters posted after the time fixed for closing the mails; and on the first day of every month, or as soon after as may be, the postmaster and deputy postmaster shall lay such accounts before the Board of Audit, and such board shall certify the amount of postage which is due to and should be remitted to the Imperial Post Office, and on such certificate the postmaster shall remit to the Imperial Post Office the amount due and payable to the Imperial Post Office, and shall pay the balance of the amount in his hands into the Treasury.

Supervision of post office to be with Governor in Council.

28. The supervision and control of the post office shall be vested in the Governor in Council, who shall have authority to fix the hours for making up the mails, the fees to be paid on letters and packages posted after the hour fixed for making up the mails, and from time to time to make rules and regulations for the internal administration of the Post Office, as may be deemed necessary.

Incidental expenses of post office.

29. The postmaster and deputy postmaster shall on the first day of every month, or as soon thereafter as possible, submit to the Board of Audit a full and specific statement of the incidental expenses of their respective offices during the then last preceding month, and upon the certificate of the Board of Audit of the correctness of such account, or of the amount which should be paid on account of such incidental expenses, such amount shall be payable on the warrant of the Governor.

Repeal of Acts.

30. Repeals certain Acts.

Interpretation of terms.

31. The term "postmaster" throughout this Act shall mean postmaster or postmistress, and the term "deputy postmaster," shall mean deputy postmaster or deputy postmistress.

Title of Act.

32. This Act may be cited as the "Post Office Act, 1864."

RULES for the Transaction of MONEY ORDER BUSINESS between the United Kingdom of GREAT BRITAIN AND IRELAND and ANTIGUA.

1. The maximum amount for which a money order may be drawn in the United Kingdom upon Antigua to be fixed by the British Government, and the maximum amount for which a money order may be drawn in Antigua upon the United Kingdom to be fixed by the Colonial Government; on the understanding, however, that in neither country shall this amount exceed ten pounds; each Government also to be left to fix the rate of commission to be charged on the issue of money orders. Maximum amount for money orders.
2. The British post office to pay to the post office of Antigua the sum of fourpence for every money order issued in the United Kingdom, and ten shillings sterling *per cent.* on the amount of such order, and the post office of Antigua to make a like payment to the British post office for every money order issued in Antigua. Division of commission.
3. No money order to include a fractional part of a penny. No fractional part of a penny allowed.
4. With the following exceptions, no money order to be issued unless the applicant furnish in full the surname and at least the initial of one Christian name, both of the remitter and the payee, together with the address of the remitter, for entry in the issuing journal, so that if necessary he may be traced; if the applicant, however, tender the name of either the remitter or the payee at greater length, such particulars to be received, and the advice to be made out accordingly. Particulars required for a money order.
- I. If the remitter or payee be a peer or bishop his ordinary title to be sufficient; if a firm, the usual designation of such firm, such as "Baring Brothers," "Smith and Son," "Jones and Co.," to suffice; but the mere term "Messrs.," such as "Messrs. Rivington," or the name of a company trading under a title which does not consist of the names of the persons composing it, such as the "Carron Co.," to be inadmissible.
- II. The remitter, on stating that the order is to be paid only through a bank, to have the option of giving or withholding the name of the payee; in such cases, the officer drawing the order to cross it in the same way that cheques are commonly crossed when they are intended to be paid through a bank.
5. Every money order to be drawn on the authorized form. The form of money order (having attached to it a form of advice) now used in the United Kingdom, with such slight alterations as may be necessary, to be adopted for money orders between the United Kingdom and Antigua. A specimen of this form is annexed. Form of money order.
6. When an order is presented for payment through a bank, a receipt by any person to be sufficient, and no regard to be paid to any discrepancy between the signature to the receipt and the name of the payee given in the advice, provided the order be crossed with the name of the receiving bank and be presented by some person known to be in the employ of such bank. Payment of an order through a bank.
7. All payments for money orders, whether by the public to the post office or by the post office to the public, to be made in sterling money, and at par; provided, however, that if in Antigua there be a difficulty at any time in procuring sterling money, such payments may be made, to the nearest equivalent, in other coins current in that Colony. Payments to be made in sterling.
8. The signature of the payee of a money order to be affixed to the order in the place provided for the purpose. If the payee be unable to write, he should place of signature. Attested mark in place of signature.

sign the receipt by making his mark, to be witnessed in writing; as for example:

JOSEPH ALLEN,

x

his mark.

Witness—John Fuller, High Street, Leiccester.

The witness to sign his name with his address in the presence of the paying officer, and the latter to certify the payment by adding his initials. It is desirable, though not imperative, that the witness should not be connected with the post office; he need not be personally acquainted with the payee, but he should be known to the paying officer. In no case should the paying officer act as witness.

Transfer of a money order.

9. When the payee of a money order desires to receive payment in the country on which the order was issued at some other office than that on which the order was originally drawn, the transfer to be granted, provided the order be enclosed to the postmaster of the office on which it was drawn. In such case a new order is to be issued, the commission chargeable upon which is to be deducted from the amount of the new order.

Duplicates to be issued in the country where the original order was payable.

10. In the event of a money order miscarrying or being lost, a duplicate is to be granted on a written application from the payee (containing the necessary particulars, and accompanied by an additional commission,) to the controller of the chief money order office of the country where the original order was payable.

Renewal of an order to be effected in the country where the original order was payable.

11. On the receipt of a similar application, orders are to be given to stop payment of a money order, or to renew a lapsed order. The additional commission in this last case is to be deducted from the amount of the new order.

Any person presenting a lapsed order to be directed to transmit it, with an application for a new order, to the chief office of the country or colony in which it was payable.

Alterations of name, &c., to be made by the issuing country.

12. But when it is desired that any error in the name of the remitter or of the payee should be corrected, or that the amount of a money order should be repaid to the remitter, or that a lapsed order should be renewed for payment in the country in which the order was originally drawn, application must be made by the remitter to the chief money order office of such country. This application must be accompanied by an additional commission, unless it have reference to a lapsed order, in which case the commission is to be deducted from amount of the new order.

Repayment not to be made until original advice has been cancelled.

13. Repayment, whether of an original, a renewed, or a duplicate order, must not be made to the remitter until it has been ascertained through the chief office of the country where such order was payable that the advice has been cancelled at the office on which the order was originally drawn.

Lapsed and void orders.

14. Payment of an order must be obtained before the end of the sixth calendar month after that in which it was drawn; for instance, if drawn in January payment must be obtained before the end of July, otherwise the order will become lapsed, and a new order (for which a second commission, to be deducted from the amount of the order, will be charged) will become necessary.

If an order be not paid before the end of the twelfth calendar month after that in which it was drawn; for instance, if drawn in January and not paid before the end of the following January, all claim to the money will be forfeited, unless under peculiar circumstances the post office of the country in which the order was drawn think proper to allow it.

No claim after an order has once been paid.

15. After once paying a money order, by whomsoever presented, the paying country not to be liable to any further claim. If a wrong payment, however,

be made, owing to negligence on the part of any officer of the department, the postmaster general of the country in which the negligence occurs to be authorized, if he see fit, to require the officer in fault to make good the loss.

16. The advices of all money orders drawn upon Antigua by postmasters in England to be sent in the first instance to the chief money order office in London. Advices of orders drawn in Scotland to be sent to Edinburgh, and advices of orders drawn in Ireland to be sent to Dublin. These advices, after being stamped in London, Edinburgh, or Dublin with a date stamp, to be forwarded by the first packet with a list similar to the accompanying form, under a cover to the "Postmaster of Antigua," and from the post office of Antigua, after being again stamped with the date stamp of that office, the advices to be despatched to the several offices drawn upon. Transmission of advices.

The advantage of sending a list of the orders as well as the advices is this, that if an advice should miscarry, the postmaster of Antigua will be able to issue a duplicate advice, provided the order appears in the list.

In like manner the advices of all money orders drawn upon the United Kingdom by postmasters in Antigua to be sent in the first instance to St. John's, there to be stamped with a date stamp, and afterwards to be forwarded by the first packet to England. The advices of orders drawn on towns in England to be put under a cover addressed to the "Controller of the Chief Money Order Office, London;" the advices of orders drawn on towns in Scotland under a cover addressed to the "Secretary of the General Post Office, Edinburgh;" and the advices of orders drawn on towns in Ireland under a cover addressed to the "Secretary of the General Post Office, Dublin."

Lists, similar to those proposed to be used in the United Kingdom, to be made out in Antigua, and to be forwarded for the information of the London, Edinburgh, and Dublin offices.

The lists of advices forwarded from and to the London, Dublin, and Edinburgh offices to be numbered consecutively 1, 2, 3, 4, &c. in the order of despatch, such number to recommence at 1 at the beginning of every year.

In order to prevent inconvenience in case the original advices and lists should be lost, each office to forward by the following mail a duplicate of the list sent by the preceding mail.

17. The postmasters in each country to be instructed to pay no order unless the advice has been previously received, and unless that advice bears the stamp of the London, Dublin, or Edinburgh office as well as that of the Antigua office; by this arrangement the post office of the country in which the orders are drawn will have the means of ascertaining that all those orders are duly accounted for by its postmasters, and the post office of the country in which the orders are paid will be informed of the amount of money which each of its postmasters will require in order to meet the orders drawn upon him. Orders not to be paid unless advices bear stamp of chief office.

18. The London and Antigua chief money order offices are to render to each other by every mail an account (Form No. 1 M annexed) of such of the orders issued in the other country as have been paid or renewed since the despatch of the last mail; such account to be accompanied by the orders as vouchers. In the accounts despatched from London the total number and amount of orders paid in England, Ireland, and Scotland to be separately shown, and in those despatched from Antigua the total of the paid issues of England, Ireland, and Scotland to be separately shown. As these accounts are to be subject to quarterly adjustment (see rule 19), it will be necessary to keep the payments of the different quarters distinct from each other in the accounts. Transmission of accounts.

Balance of accounts.

19. The balance due from one country to the other on account of money orders to be remitted every month. This balance to be estimated by the remitting country, and to be subject to a quarterly adjustment.

At the end of every quarter the chief office in Antigua to furnish, for comparison with the books of the London office, a statement of the number and amount of orders paid in the Colony and in the United Kingdom, of the remittances made on account, and of the amount accruing to the Colony and to the United Kingdom as commission. This statement, when compared with the books of the London office, to be acknowledged as correct, or to be returned with the necessary alterations.

Mode of payment.

20. All payments made by Antigua to be in sterling money and at par, and to be remitted as in the case of British postage collected in Antigua. Payments due from the United Kingdom to be made by bills at not more than thirty days' sight, or the amount to be deducted from the balance of postage due from the Colony to the United Kingdom.

Additional precautions and facilities.

21. The postmaster general in each country to be authorized to adopt any additional rules (if not repugnant to the foregoing) for greater security against fraud, or for the better working of the system generally. All such additional rules, however, to be communicated to the postmaster general of the other country.

Power to increase commission or to suspend issue of money orders.

22. Should it appear that money orders are used by mercantile men, either in the United Kingdom or in Antigua, for the transmission of large sums of money, the British or Antigua office, as the case may be, to consider the propriety of increasing the commission, and to have power even wholly to suspend for a time the issue of money orders.

COMMISSION to be paid on Issue for a single Order is as under:—

	£	s.	d.
For sums not exceeding 2 <i>l.</i> - - -	-	0	1 0
Above 2 <i>l.</i> and not exceeding 5 <i>l.</i> - - -	-	0	2 0
Above 5 <i>l.</i> and not exceeding 7 <i>l.</i> - - -	-	0	3 0
Above 7 <i>l.</i> and not exceeding 10 <i>l.</i> - - -	-	0	4 0

The above rules and regulations were this day made by the Governor in Council, 26th January 1864.

G. C. DAVIS,
Secretary of Executive Council.

House of Assembly, January 28th, 1864.

Approved
OLIVER NUGENT,
Speaker.

Antigua, 28th Jan.

Approved by command,

EDWIN D. BAYNES,
Clerk of the Council.

[It has not been thought necessary to print the forms said to be annexed to the foregoing rules.]

No. 225.

AN ACT to make Provision for the Construction and Maintenance of Waterworks for the City of St. John. [Dated 29th July 1864.]

Preamble.

WHEREAS it will be of great public advantage to establish waterworks for the city of Saint John, its neighbourhood, and the Island generally, and the Legislature have authorized the borrowing of the sum required for the purposes of such works: And whereas it is expedient to make provision for the erection, efficient carrying out, and maintenance of such works, and also for levying a tax and certain water rates for the purpose of providing means of repaying the sum to be borrowed for carrying out this undertaking: Be it enacted by the Governor, the Council, and the Assembly as follows:

The following words and expressions in this Act and any Act incorporated therewith shall have the following meanings, unless there be something in the subject or context repugnant to such construction; that is to say,

The word "lands" shall include messuages, lands, tenements, and hereditaments of any tenure: "Lands;"

The word "streams" shall include springs, brooks, and other waters: "Streams;"

The expression "water rate" shall include any rent, reward, or payment to be made to the water commissioners for a supply of water: "Water rate;"

The expression "the undertaking" shall mean the waterworks and the works connected therewith by this Act authorized to be constructed, and the supply of water to the city of Saint John and its vicinity: "Undertaking;"

The word "street" shall include any court, alley, highway, lane, road, thoroughfare, or public passage or place within the limits of this Act: "Streets;"

The expression "the commissioners" shall mean the persons to be from time to time and for the time being appointed to carry out and having the care and charge of the undertaking: "The commissioners;"

The expression "public funds" shall include funds provided by the Legislature or any vestry or public body or private persons for the purposes of any public charity: "Public Funds;"

The expression "public authority" shall include the administrative committee and all legislative committees, boards, or trustees, and all commissioners appointed by or under any Act of the Legislature charged with the care and superintendence of public works, buildings, or institutions in or near the city, and any body having authority within the city: "Public authority;"

The expression "the city" shall mean the city of Saint John, as defined and limited in the Board of Health Act: "The city." No. 198.

The expression "the vicinity" shall include all villages, houses, dwellings, buildings, and places of habitation within one and a half mile from the court house in the city: "The vicinity."

1. It shall be lawful for the Governor from time to time, as occasion may require, to issue a commission under his hand and seal appointing seven persons, one at least of whom shall be a member of the Legislative Council, and three at least of whom must be members of the House of Assembly, to be the commissioners for constructing, carrying out, and maintaining the said waterworks herein-after spoken of as and meant by the expression "the undertaking:" And upon the appointment of any commissioner he shall make before the Governor the following declaration:

Appointment of commissioners.

' I do solemnly and sincerely declare that I will to the best of my ability discharge and perform the duties and works devolving upon me as a commissioner under the provisions of the "Antigua Waterworks Act, 1864."

Power to make and maintain waterworks.

2. It shall be lawful for the commissioners and they are hereby empowered to make, construct, and maintain all such works as shall be necessary for the purpose of establishing and maintaining waterworks for supplying the city and the vicinity with water for domestic purposes, for the extinction of fires, and for all other purposes to which water and waterworks are applied or are applicable, and to do all such matters and things as to them shall seem necessary or desirable for carrying out their undertaking, subject only to the regulations and restrictions in this Act provided.

Things authorized to be done by commissioners to construct waterworks.

3. Subject to the provisions and restrictions in this Act contained, the commissioners may execute and do any of the following works and things for constructing the waterworks: They may enter upon any lands and survey and take levels of the same, and set out such part thereof as they shall think necessary, and dig and break up the soil of such lands and trench and sough the same, and remove or use in construction of the said works all earth, stone, mines, minerals, trees, or other things dug or gotten out of the same; they may take up and use in the manner herein provided any springs, streams, or waters, making a reasonable compensation to the owner or occupier of such spring, stream, or water for the use thereof by an annual payment of rent or by purchase, such rent or purchase money to be agreed upon between the owners or occupiers of such springs, streams, or waters and the commissioners, or assessed by a jury, in conformity with the provisions of this Act for enabling the commissioners to purchase and hold lands and tenements; they may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such tunnels, reservoirs, waterworks, cisterns, tanks, engines, and other works, and erect such buildings upon the lands, springs, streams, and waters authorized to be taken by them as they shall deem proper for supplying the city and the vicinity with water: They may from time to time divert and impound the water from any such springs, streams, and waters and alter the course of any such streams, and also take such waters as may be found in, under, or on the lands to be taken for constructing the works: Provided always, that in the exercise of the said powers the commissioners shall do as little damage as can be, and in all cases where it can be done shall provide other watering-places, drains, and channels for the use of the owner or occupier of adjoining lands in place of any such as may be taken away or interrupted by them, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the commissioners in setting out the line of works, or pull down or remove any poles or stakes or marks driven into the ground, made or set up for the purpose of setting out the line or position of such works, or deface or destroy any works made for the same purpose, shall be liable on conviction before a police magistrate to a fine or penalty for every such offence not exceeding five pounds, and in default of payment of such fine or penalty and costs (if any) to be imprisoned in the common gaol, with or without hard labour, for any period not exceeding one month, unless such fine or penalty and costs (if any) be sooner paid.

Penalty for diverting, &c. water taken by commissioners.

5. After the stream or supplies of water hereby authorized to be taken by the commissioners shall have been so taken, every person who shall divert or take the waters supplying or flowing into the streams so taken or any part thereof, or who shall do any act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him on being required so to do by the commissioners, so as to restore the said waters to the state in which they were before such act, shall

forfeit to the commissioners any sum which shall on complaint to be heard before a police magistrate under the provisions of the Act, entitled "An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders," be awarded by a police magistrate, not exceeding ten pounds for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority or on the order or direction of any such person, together with such sum as may by the convicting magistrate be adjudged to be paid to the commissioners by such person for the damage which the commissioners may sustain by reason of their supply of water being diverted or diminished, and costs of such complaint, and in default of the payment of such sums and costs (if any) such person shall be liable to be imprisoned in the common gaol, with or without hard labour, for any period not exceeding six calendar months, unless such fine or penalty and sum and costs (if any) be sooner paid; and the payment of such fine or penalty shall not bar or affect the right of the commissioners to bring or raise an action or institute any suit against any such person for the damage done, or with reference to any such diversion or diminishing the supply of any such water.

6. Nothing in this Act contained shall prevent any owner or occupier for the time being of any lands through or by which such stream shall flow from using the waters thereof in such manner and to such extent as he might have done before the passing of this Act, unless he shall have received compensation in respect of his right of so using such water, or shall have voluntarily assigned to the commissioners the right of so using such water. Reserves existing rights.

7. In case the commissioners in the construction of the said works or carrying out the undertaking shall in any way interrupt any of the neighbouring lands, or injure the same so as to render necessary the construction of works to accommodate the said lands, or make good the injury committed upon such lands, then if any difference shall arise respecting the construction of such works, or the kind, size, or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by a police magistrate, and such police magistrate shall also appoint the time within which such works shall be begun and finished by the commissioners, and the commissioners shall for fourteen days next after the time appointed by such police magistrate for the beginning of any such accommodation works fail to begin such works, or having begun such works fail diligently to execute the same in a sufficient manner, the person aggrieved by such failure may execute such work or repairs, and the reasonable expenses thereof shall on demand be repaid by the commissioners to the person by whom the same shall have been executed, and if there be any dispute about the amount or nature of such expenses such dispute shall be decided by a police magistrate. Accommodation works.

8. The commissioners may open and break up the soil and pavement of any road or street, and may open and break up any sewer, drain, or tunnel within or under any street or bridge, and lay down and place in or under any part of any road or street pipes, conduits, service-pipes, and other works and engines, and from time to time repair, alter, or remove any such respective works, engines, or things herein-before severally and respectively mentioned; and the commissioners may for any of the purposes aforesaid remove and use all earth and materials on, in, and under any such road or street, and generally do any and all other acts which the commissioners may from time to time deem necessary for constructing the said waterworks and carrying out and maintaining the undertaking, they the commissioners doing as little damage as can be in the execution of the powers hereby granted, and with as little delay as possible replacing, reinstating, and restoring any road or street so as aforesaid opened or Power to open roads, streets, &c.

broken up, and making compensation for any damage which may be done in the execution of such powers.

Power to contract.

9. It shall be lawful for the commissioners and they are hereby authorized in the name of the commissioners, or of such person as they shall for that purpose appoint, to contract and agree with any person, company, or body of persons for constructing, doing, and carrying out all the works, things, and the undertaking, or any part thereof, which are or is hereby authorized to be carried out, done, or made by the commissioners, and also for maintaining and keeping in good order the said works, things, and undertaking, or any part thereof, and in such manner and for such sum and sums of money and under such regulations and restrictions as the commissioners or the person so appointed shall think proper; and all contracts in writing for any of the purposes aforesaid shall be binding on the commissioners and all other parties thereto, their respective successors, heirs, executors, and administrators, and actions and suits may be maintained thereon and all damages and costs recovered by or against the commissioners or by or against any other party thereto failing in the execution thereof.

Materials for works
property of commis-
sioners.

10. During the execution of any contract made with the commissioners the works in course of being done under such contract, and all the materials of any description brought upon or near such works for the purpose of being used in the execution of any such contract, shall be and for all intents and purposes and intendments of law, and in all legal proceedings, civil and criminal, be held to be the property of the commissioners for the time being, and it shall be sufficient to state it as such.

Power to contract
for purchase of lands
or streams.

11. It shall be lawful for the commissioners to contract and agree with the owners of any lands or streams which shall be required for the purposes of this Act, and with all parties having any estate or interest in any such lands or streams as are by this Act enabled to sell and convey the same, for the absolute purchase for consideration in money of any such lands or streams or such parts thereof as they shall think proper, and of all estates and interests in such lands or streams of what kind soever.

Parties under dis-
ability enabled to
sell and convey.

12. It shall be lawful for all parties being seised, possessed of, or entitled to any such lands or streams, or any estate or interest therein, to sell and convey or release the same to the commissioners, and to enter into all necessary arrangements for that purpose, and particularly it shall be lawful for all or any of the following parties so seised, possessed, or entitled as aforesaid so to sell, convey, or release; that is to say, all corporations, tenants in tail or for life, married women seised in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or executors in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipts of the rents and profits of any such lands or streams in possession, or subject to any estates in dower, or to any lease for lives and years or for years, or any less interest, and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life or for lives and years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeazance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively could have exercised the same power under the authority of this Act if they respectively had been under no disability, and as

to such trustees, executors, and administrators on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, femmes covertes, or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

13. The purchase money or compensation to be paid for any lands or streams to be purchased or taken from any absent party not having an attorney in this Island fully qualified to act and treat in any such case under a duly registered letter of attorney, or from any party under any disability or incapacity and not having the power to sell and convey such lands except under the provisions of this Act, and the compensation to be paid for some permanent damage or injury to any such lands shall, except when the owner shall have been determined by the verdict of a jury or by arbitration, be determined by the valuation of five competent persons or a majority of them, such persons being nominated and appointed by the Chief Justice; and such persons shall annex to the valuation a declaration in writing subscribed by them of the correctness thereof, and all such purchase money or compensation money shall be deposited in the hands of the Treasurer for the benefit of the parties interested in manner herein-after mentioned.

Purchase and compensation money how to be dealt with.

14. Before such persons shall enter upon the duty of making such valuation as aforesaid, they shall in the presence of the Chief Justice take and subscribe the following oath; that is to say,

Oath to be taken by valuers.

‘ I do solemnly swear that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation referred to me. So help me God.

A.B.

‘ Taken and subscribed in the presence of

Chief Justice.’

And if any such person shall corruptly take such oath, or having taken such oath shall wilfully act contrary thereto, he shall be guilty of perjury.

15. The said nomination and declaration shall be annexed to the valuation to be made by such persons and shall be preserved together therewith in the office of the Colonial Secretary, and copies of the same shall at all times, on payment to the Colonial Secretary for the use of the public after the rate of one shilling and sixpence for every ninety words, be given on demand to the owner of the lands comprised in such valuation and to all other parties interested therein.

Valuation to be at command of owner of lands.

16. All the expenses of and incident to every such valuation shall be borne and paid by the commissioners.

Expenses paid by commissioners.

17. When the compensation payable in any respect of lands or streams or any interests therein shall have been ascertained by the valuation of such persons as aforesaid, and the sum and sums payable for the same shall have been deposited in the hands of the Treasurer as provided, if any party interested therein shall be dissatisfied with such valuation it shall be lawful for him to give six days notice to the commissioners of his intention to apply to the Court of Common Pleas for a reappraisement of such lands or streams, and if the commissioners shall not agree to such reappraisement, it shall be lawful for the Chief Justice on application of such party in chambers, and on proof of such notice, to order that the provost marshal, or the coroner if the provost marshal is interested, to summon a jury to determine the question of disputed compensation, and such question shall be tried at the next sitting of the Court of Common Pleas, unless such sitting shall be within six days after the signing of such order, and in such case at the next sitting after the expiration of such

Proceedings of party dissatisfied with valuation.

period of six days; and all proceedings thereon shall be as nearly similar as circumstances will allow to the proceedings on a warrant of the commissioners to summon a jury to determine a question of disputed compensation as herein-after provided.

Service of notices.

18. All notices required to be served by the commissioners upon parties interested in or entitled to sell any such lands or streams shall either be served personally on such parties or left at their last usual place of abode, if any such can after diligent inquiry be found; and in case any such parties shall be absent from the Island, or cannot be found after diligent inquiry, shall also be left with the occupier, manager, or person on, in possession, or charge of such lands or streams; or if there be no such occupier, manager, or person on, in possession, or charge of such lands or streams, shall be affixed upon some conspicuous part of such lands or near such streams.

Service on corporation.

19. If any such party be a corporation aggregate such notice shall be left at the principal office of business of such corporation, or if no such office can after diligent inquiry be found shall be served on some principal member of any such corporation, and such notice shall also be left with the occupier, manager, or person in charge of such lands or streams, and if there be no such occupier, manager, or person on, in possession, or charge of any such lands or streams, shall be affixed upon some conspicuous part of such lands or near such streams.

Proceedings on failure of parties to treat.

20. If for twenty-one days after the service of such notice any such party shall fail to state the particulars of his claim in respect of any such lands or streams, or to treat with the commissioners in respect thereof, or if such party and the commissioners shall not agree as to the amount of the compensation to be paid by the commissioners for the interest in such lands or streams belonging to such party, or which he is by this Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled, except as aforesaid, in the manner herein-after provided for settling cases of disputed compensation.

Disputes as to value, &c. where the amount claimed does not exceed 20*l*. to be settled by the police magistrate of the parish.

21. If no agreement be come to between the commissioners and the owners of or parties by this Act enabled to sell and convey or release any lands or streams taken or required for or injuriously affected by the execution of the said works, or any interest in such lands or streams, as to the value of such lands or streams, or of any interest therein, or as to the compensation to be made in respect thereof, and if in any such case the compensation claimed shall not exceed twenty pounds the same shall be settled by a police magistrate.

Compensation exceeding 20*l*. to be settled by arbitration or jury at the option of the party claiming compensation.

22. If the compensation claimed or offered in any such case shall exceed 20*l*, and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the commissioners before they have issued their warrant to the provost marshal to summon a jury in respect of such lands or streams under the provisions herein-after contained, stating in such notice the nature of the interest in respect of which such party claims compensation and the amount of the compensation so claimed, the same shall be settled accordingly; but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or their umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury as herein-after provided.

Questions of title to be decided by Court of Common Pleas.

23. It shall be lawful for the Chief Justice of the Court of Common Pleas, upon the application of either party, when any question of title to any lands or streams in respect of which compensation is by this Act authorized to be made shall arise, to summon the other party to appear before the said court at a

time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for the said court to hear and determine such question, and for that purpose to examine such parties or any of them and their witnesses upon oath, and the cost of such inquiry shall be in the discretion of such court, and the amount thereof shall be taxed and allowed by the Chief Justice of the said court.

24. When any question in dispute by this Act authorized or required to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the commissioners under the hands of the commissioners or any two of them, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation, or of their duly constituted attorney, and such appointment shall be delivered to the arbitrator and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator then upon such failure the party making such request and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matter which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Appointment of arbitrator when questions are to be determined by arbitration.

25. If before the matters so referred shall be determined any arbitrator appointed by either party die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed *ex parte*, and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

Vacancy of arbitrator to be supplied.

26. Where more than one arbitrator shall have been appointed, such arbitrators shall before they enter upon the matters referred to them nominate and appoint by writing under their hands an umpire to decide any such matters on which they differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

27. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

In case of death of single arbitrator the matter to begin de novo.

28. If where more than one arbitrator shall have been appointed either of the arbitrators refuse or for seven days neglect to act, the other arbitrator may

If either arbitrator refuse to act the other to proceed *ex parte*.

If arbitrators fail to make their award within 21 days the matter to go to the umpire.

Power of arbitrator to call for documents.

Arbitrator or umpire to make a declaration.

Costs of arbitration how to be borne.

Award to be delivered to the commissioners.

Submission may be made a rule of court.

Award not void through error in form.

Commissioners to give notice before summoning a jury.

Warrant for summoning jury to be addressed to the provost marshal.

proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

29. If where more than one arbitrator shall have been appointed, and where either of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

30. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

31. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of the Chief Justice take and subscribe the following oath; that is to say, that "I *A.B.* do solemnly and sincerely swear that I will faithfully, impartially, and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Antigua Waterworks Act, 1864: Taken and subscribed in the presence of Chief Justice," and such oath shall be annexed to the award when made; and if any arbitrator or umpire having taken such oath shall wilfully act contrary thereto he shall be guilty of a perjury.

32. All the costs of any such arbitration and incident thereto to be settled by the arbitrators shall be borne by the commissioners, unless the arbitrators shall award the same or a less sum than shall have been offered by the commissioners, in which case each party shall bear his own costs incidental to the arbitration; and the cost of the arbitrators shall be borne by the parties in equal proportions.

33. The arbitrators shall deliver their award in writing to the commissioners, and the commissioners shall retain the same and forthwith on demand at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all times on demand produce the said award and allow the same to be inspected and examined by such party or any person appointed by him for that purpose.

34. The submission to any such arbitration may be made a rule of the Court of Common Pleas in this Island on the application of either of the parties.

35. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

36. Before the commissioners shall issue their warrant for summoning a jury for settling any case of disputed compensation they shall give not less than ten days notice to the other party of their intention to cause such jury to be summoned, and in such notice the commissioners shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party and for the damage to be sustained by him by the execution of the works projected by the commissioners: In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury, the commissioners shall issue their warrant to the provost marshal requiring him to summon a jury for that purpose, and such warrant shall be under the hand and seal of five at least of the commissioners, and if such provost marshal shall be interested in the matter in dispute such

application shall be made to the coroner of the parish in which the lands in question or some part thereof shall be situate.

37. Throughout the enactments contained in this Act relating to the reference to a jury where the term provost marshal is used, the provisions applicable thereto shall be held to apply to the coroner or other person lawfully acting in his place; and in every case in which any such warrant shall have been directed to any other person than the provost marshal, such provost marshal shall immediately on receiving notice of the delivery of the warrant deliver over on application for that purpose to the person to whom the same shall have been directed, or to any person appointed by him to receive the same, the jurors book and special jurors list belonging to this Island, to the end that he should make a copy of so much thereof as he may require.

Provisions applicable to provost marshal to apply to coroner.

38. Upon the receipt of such warrant the provost marshal shall summon a jury of eighteen persons from the jury list in the office of the provost marshal duly qualified to act as special jurymen in the Court of Common Pleas of this Island, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen days nor more than twenty-one days after the receipt of such warrant, and such place not being more than four miles distant from the lands in question, unless by consent of the parties interested, and he shall forthwith give notice to the commissioners of the time and place so appointed by him.

Jury to be summoned.

39. Out of the jurors appearing upon such summons a jury of twelve persons shall be drawn by the provost marshal in such manner as jurors for trials of issues joined in the Court of Common Pleas are by law required to be drawn; and if a sufficient number of jurymen do not appear in obedience to such summons the provost marshal shall return other men duly qualified as aforesaid of the bystanders or others that can speedily be procured to make up the jury to the number aforesaid, and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the array.

Jury to be empanelled.

40. The Puisne Judge shall preside on the said inquiry, and the party claiming compensation shall be deemed the plaintiff and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing the provost marshal shall summon any person considered necessary to be examined as a witness touching the matters in question, and on the like request the Puisne Judge shall order the jury or any six or more of them to view the place or matter in controversy in like manner as views may be had in the trial of actions in the Court of Common Pleas.

Puisne Judge to preside.

Witnesses to be summoned.

41. If the provost marshal make default in any of the matters herein-before required to be done by him in relation to any such trial or inquiry he shall forfeit 50*l*. for every such offence, and such penalty shall be recoverable by the commissioners by an action in the Court of Common Pleas; and if any person summoned and returned upon any jury under this Act do not appear, or, if appearing, he refuse to make oath or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the Puisne Judge, forfeit a sum not exceeding 2*l*., and every such penalty payable by the provost marshal or a jurymen shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend.

Penalty on provost marshal and jury for default.

42. If any person duly summoned to give evidence upon any such inquiry and to whom a tender of his reasonable expenses shall have been made fail to appear at the time and place specified in the summons without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness refuse to be examined on oath or affirmation, where affirmation is allowed, touching the

Penalty on witnesses making default.

subject matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding 10*l*.

Notice of inquiry.

43. Not less than ten days notice of the time and place of the inquiry shall be given in writing by the commissioners to the other party.

If the party make default the inquiry not to proceed.

44. If the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by competent persons appointed in manner herein-before provided.

Jury to be sworn.

45. Before the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage, and the provost marshal who shall be in attendance at every such inquiry shall administer such oaths as well as the oaths of all persons called upon to give evidence.

Sums to be paid for purchase of lands, &c. and for damages to be assessed separately.

46. Where such inquiry shall relate to the value of lands or streams to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands and streams required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of the severing the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands, by the exercise of the powers of this Act.

Verdict and judgment to be recorded.

47. The Puisne Judge before whom such inquiry shall be held shall give judgment for the purchase or compensation assessed by such jury, and the verdict and judgment shall be signed by the Puisne Judge, and being so signed shall be kept by the Secretary of the Island among the public records of the Island; and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere, and all persons may inspect the said verdicts and judgments and may have copies thereof or extracts therefrom on paying for each inspection thereof one shilling, and for every one hundred words copied or extracted therefrom one shilling and sixpence, which copies or extracts the Secretary of the Island is hereby required to make out and to sign and certify the same to be true copies.

Costs of the inquiry how to be borne.

48. On every such inquiry before a jury, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the commissioners, all the costs of such inquiry shall be borne by the commissioners; but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the commissioners, or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one half of the costs of summoning, empannelling, and returning the jury and of taking the inquiry and recording the verdict, and judgment thereon, in case such verdict shall be taken, shall be defrayed by the owner of the lands or streams, and the other half by the commissioners, and each party shall bear his own costs other than as aforesaid incident to such inquiry.

Particulars of the costs.

49. The costs of any such inquiry shall in case of difference be settled by the Chief Justice of the Court of Common Pleas of this Island on the application of either party, and such costs shall include all reasonable costs, charges, and expenses incurred in summoning, empannelling, and returning the jury taking the inquiry, the attendance of witnesses, the employment of counsel and attor-

neys, recording the verdict, and judgment thereon, and otherwise incident to such inquiry.

50. If any such costs shall be payable by the commissioners, and if within seven days after demand such costs be not paid to the party entitled to receive the same, they shall be recoverable by writ of execution in the usual form to be issued by such Chief Justice, and if any such costs shall be payable by the owner of the lands or of any interest therein, the same may be deducted and retained by the commissioners out of any money awarded by the jury to such owner, or determined by the valuation of competent persons under the provision herein-before contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined the excess shall be recoverable by writ of execution.

Payment of costs.

51. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the commissioners before they have issued their warrant to the provost marshal, and for that purpose the commissioners shall by their warrant to the provost marshal require him to nominate a special jury for such trial; and thereupon the provost marshal shall as soon as conveniently may be after the receipt by him of such warrant summon both the parties to appear before him, by themselves or their attorneys, at some convenient time and place appointed by him for the purpose of nominating a special jury (not being less than five or more than eight days from the service of such summons), and at the place and time so appointed the provost marshal shall proceed to nominate and strike a special jury in the manner in which such juries shall be required by the laws for the time being in force to be nominated or struck by the proper officers of the Court of Common Pleas, and the provost marshal shall appoint a day not later than the eighth day after striking of such jury for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days notice to the parties, and on the day so appointed the provost marshal shall proceed to reduce the said special jury to the number of twenty in the manner used and accustomed by the proper officer of the Court of Common Pleas in this Island.

Special jury to be summoned at the request of either party.

52. The special jury on such inquiry shall consist of twelve of the said twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen; and if a full jury do not appear, or if after such challenges a full jury do not remain, then upon the application of either party the provost marshal shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen who shall not have been previously struck off the aforesaid list and who may be then attending the court or can speedily be procured, so as to complete such jury, all parties having their lawful challenge against such persons; and the Puisne Judge shall preside at and proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences and the like penalties shall be applicable as herein-before provided in the case of a trial by common jury.

Deficiency of special jurymen.

53. Any other inquiry than that for the trial of which such special jury shall have been struck and reduced as aforesaid may be tried by such jury, provided the parties thereto respectively shall give their consent to such trial.

Other inquiries before special jury by consent.

54. In estimating the purchase money or compensation to be paid by the commissioners in any of the cases aforesaid regard shall be had not only to the value of the land and streams to be purchased or taken by the commissioners,

Purchase money and compensation how to be estimated.

but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands, by the exercise of the powers of this Act.

Compensation to be settled by arbitration or jury at the option of the party claiming.

53. If any party shall be entitled to any compensation in respect of any lands or streams, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works, and for which the commissioners shall not have made satisfaction under the provisions of this Act, and if the compensation claimed in such case shall exceed the sum of twenty pounds, such party may have the same settled either by arbitration or by the verdict of a jury, as he shall think fit; and if such party desire to have the value settled by arbitration it shall be lawful for him to give notice in writing to the commissioners of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation and the amount of the compensation so claimed therein; and unless the commissioners be willing to pay the amount of compensation so claimed and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury it shall be lawful for him to give notice in writing of such his desire to the commissioners stating such particulars as aforesaid; and unless the commissioners be willing to pay the amount of compensation so claimed and enter into a written agreement for that purpose, they shall within twenty-one days after the receipt of such notice issue their warrant to the provost marshal to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation claimed, and the same may be recovered by him with costs by action in the Court of Common Pleas.

Where parties refuse to convey or do not show title or cannot be found, the purchase money to be paid to the Treasurer of the Island.

56. In case any party to whom the purchase money or compensation which shall be payable in respect of any lands or streams, or any interest therein, purchased or taken by the commissioners shall refuse to accept the same or cannot be found or shall be absent from this Island, or shall refuse, neglect, or be unable to furnish the commissioners with the particulars of their rights or interests as aforesaid, or to make a title to and convey such lands, estate, or interest, to the satisfaction of the commissioners, within three calendar months from the period of the value of the lands or streams being assessed as aforesaid; or if any party entitled to contract or agree for the sale of such lands or streams, estate or interest, shall not be known or shall be absent from this Island, or shall refuse to appear before a jury as herein provided for, or shall refuse to execute any proper contract or conveyance for the sale thereof respectively within the said three calendar months, or such lands shall be subject to any entail or be affected by any remainder or reversion, then and in every such case it shall be lawful for the said commissioners to pay to the Treasurer of this Island the purchase money or compensation which shall be so payable to any such party as aforesaid: And such Treasurer shall carry every such sum to the credit of the party or parties, if known, who shall be interested in the said land, estate, or interest, but if such party or party shall not be known then to the credit of the commissioners in a particular account, to remain subject in all such cases to the order, control, and disposition of the Court of Common Pleas of this Island, which said court, on the application of any party making claim to such money or to any part thereof by motion or petition, is hereby empowered in a summary way of proceeding or otherwise, as to the said court shall seem meet, to change

the investment thereof, or to order the distribution or payment thereof, according to the estate, title, or interest of the party therein, as herein-after mentioned, and to make such other order in the premises as to the said court shall seem proper.

57. Upon payment or tender of the purchase money or compensation agreed or awarded to be paid in respect of any lands or streams purchased or taken by the commissioners under the provisions of this Act, or whenever any of the respective cases shall happen wherein such money is herein authorized or directed to be retained in the hands of the Treasurer, as herein authorized or directed, it shall be lawful for the commissioners immediately to enter upon such lands or streams, and thereupon such lands or streams and the fee simple and inheritance thereof, and all the estate, use, trust, and interest of all parties therein, shall thenceforth be vested in and become the property of the commissioners and their successors in office the commissioners for the time being for the purposes of this Act, and such payment or tender or such retainer shall in all respects and to all intents and purposes operate in the same manner as if a conveyance under the provisions of this Act had been made of the lands or streams in question to the commissioners; and in all cases whatsoever in which the commissioners shall have a right of entry under the provisions of this Act and delivery of possession shall be refused or withheld, it shall be lawful for any justice of the peace to issue his precept or warrant to a constable or police officer to enter upon the lands the possession of which shall be refused or withheld and to take possession thereof, and to deliver the possession of the same to such person as shall in such precept or warrant be nominated to receive the same, being a person in that behalf appointed by the commissioners, and the constable or police officer is hereby authorized and required to take such possession and to deliver the same accordingly.

Upon payment, tender, or deposit of the purchase money or compensation, lands to vest in commissioners.

58. Where the purchase money for any lands or streams to be taken or used for the purposes of this Act shall be retained in the hands of the Treasurer of this Island under or in pursuance of this Act, it shall be lawful for the said Court of Common Pleas, if it shall think fit, to order the costs, charges, and expenses of and attending any such motion, petition, or application as aforesaid, and the proceedings to be had thereon, or so much of such costs, charges, and expenses as the said court shall deem reasonable under the circumstances of the case, together with the necessary costs and charges of obtaining such order, to be paid by the commissioners, who shall from time to time pay such sums of money in such manner and for such purposes as the said court shall direct: Provided always, that nothing herein contained shall render the commissioners liable to pay any such costs as aforesaid in any case where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the wilful neglect of any party to make out a good title to the land required for the purposes of this Act.

Costs in cases of money deposited.

59. If such sums of money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable for their own use and benefit; or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then such money shall be paid for their use to the respective husbands, guardians, committees, or trustees of such persons.

Sums not exceeding 20*l.* to be paid to parties.

60. If any such sums of money shall exceed the sum of twenty pounds, and the right of any person to an estate for life, or to a partial or qualified interest therein, shall have been ascertained, it shall be lawful to the said Court of Common Pleas in manner aforesaid to order payment of the interest of the sum so paid to the Treasurer of the Island, or any part thereof, to any such person

Payment of interest on sums exceeding 20*l.*

having an estate for life, or any other partial or qualified interest, for his own use, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then such money shall be paid for their use to the respective husbands, guardians, committees, or trustees of such persons.

Court of Common Pleas may direct application of money in respect of lease or reversions as it may think just.

61. Where any purchase money or compensation paid to the Treasurer of this Island shall have been paid in respect of any lease for life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the said Court of Common Pleas in manner aforesaid to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

Upon deposit being made the owners of the lands to convey, or in default the lands to vest in the commissioners upon a deed poll being executed.

62. Upon deposit in manner herein-before provided of the purchase money or compensation agreed or awarded to be paid in respect of any such lands or streams purchased or taken by the commissioners under the provisions of this Act, the owner of such lands or streams, including in such terms all parties by this Act enabled to sell or convey lands, shall when required so to do by the commissioners duly convey such lands to the commissioners, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands, it shall be lawful for the commissioners, if they think fit, to execute a deed poll under the hands and seals of at least five of the commissioners, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the commissioners, and the names of the parties from whom the same were purchased or taken and the deposit made in respect thereof, and declaring the fact of such default having been made, and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the commissioners such agreement shall have been come to, or between whom and the commissioners such purchase money or compensation shall have been determined by a jury or by arbitrators, or by competent persons appointed as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the commissioners and their successors in office the commissioners for the time being, and as against such parties and all parties on behalf of whom they are herein-before enabled to sell and convey the commissioners shall be entitled to immediate possession of such lands.

Upon deposit being made a receipt to be given and the lands to vest upon a deed poll being executed.

63. Upon any such deposit of money as herein-before mentioned being made, the Treasurer of the Island shall give to the commissioners, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in; and it shall be lawful for the commissioners, if they think fit, to execute a deed poll under the hands and seals of at least five of the commissioners, containing a description of the lands in respect whereof such deposits shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and upon recording the same in the office of the registrar of deeds all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase money or compensation shall have been deposited shall vest absolutely in the commissioners and their successors in office the commissioners for the time being, and as against such parties they shall be entitled to immediate possession of such lands.

64. If any question arise respecting the title to the lands or streams in respect whereof such monies shall have been so paid or deposited as aforesaid the parties respectively in possession of such lands as being the owners thereof, or in the receipt of the rents of such lands or streams as being entitled thereto at the time of such lands or streams being purchased or taken, shall be deemed to have been lawfully entitled to such lands or streams, until the contrary be shown to the satisfaction of the said Court of Common Pleas; and unless the contrary be shown as aforesaid, the parties so in possession, and all parties claiming under them or consistently with their possession, shall be deemed entitled to the monies so deposited and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession to be deemed the owner.

65. If at any time the commissioners shall have entered upon any lands or streams which under the provisions of this Act they were authorized to purchase, and which shall be permanently required for the purposes of this Act, any party shall appear to be entitled to any estate, right, or interest in or charge affecting such lands or streams which the commissioners shall through mistake or inadvertence have failed or omitted duly to purchase or to pay compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the commissioners shall remain in undisturbed possession of such lands; provided within six months after notice of such estate, right, or interest, or charge, in case the same shall not be disputed by the commissioners, or in case the same shall be disputed, then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the commissioners shall purchase or pay compensation for the same, and shall also pay to such party, or to any other party who may establish a right thereto, full compensation for the mesne profits or interest which would have accrued to such parties respectively in respect thereof during the interval between the entry of the commissioners thereon and the time of the payment of such purchase money or compensation by the commissioners, so far as such mesne profits or interest may be recoverable in law or equity; and such purchase money or compensation shall be agreed on or awarded and paid in like manner as according to the provisions of this Act the same respectively would have been agreed on or awarded and paid in case the commissioners had purchased such estate, right, interest, or charge before their entering upon such land, or as near thereto as circumstances will admit.

Commissioners empowered to purchase interests in lands the purchase whereof may have been omitted by mistake.

66. In estimating the compensation to be given for such last-mentioned lands or any estate or interest in the same, or for any mesne profits thereof, the value of such lands, estate, or interest and profits shall be determined according to what such value was at the time such lands were entered upon by the commissioners, and without regard to any improvements or works made in the said land by the commissioners, and as though the works had not been constructed.

How value of such lands to be estimated.

67. The conveyances of lands or streams to be purchased by the commissioners under the provisions of this Act may be according to the following form (that is to say):

Form of conveyances.

‘ I, A.B., of in consideration of the sum of paid to me
 ‘ by the commissioners appointed under the provisions of the Antigua Water-
 ‘ works Act, 1864, do hereby grant and alien to the commissioners and their
 ‘ successors in office the commissioners for the time being and their assigns
 ‘ all that together with all ways, rights, and appurtenances there-
 ‘ unto belonging, and all such estate, right, title, and interest in and to the
 ‘ same and every part thereof, as I am or shall become seised or possessed of,
 ‘ or I am by the said Act capacitated or empowered to convey, to hold the

‘ premises to the commissioners and their successors in office the commissioners
 ‘ for the time being and their assigns for ever, according to the true intent and
 ‘ meaning of the said Act. In witness whereof I have hereunto set my hand
 ‘ and seal this day of in the year of our Lord one
 ‘ thousand eight hundred ’

And all conveyances made according to such form, or as near thereto as the circumstances of the case will admit, shall be valid and effectual to all intents and purposes, and shall operate to merge all terms of years attendant by express declaration or by construction of law on the estate or interest thereby conveyed or aliened, and to bar and destroy all such estates tail and all titles to dower, and all other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever of and in the lands or streams comprised in such conveyance; and such conveyance shall be acknowledged and recorded in the office of the registrar of deeds as is provided and required with respect to deeds affecting real property in this Island by the several Acts in regard to the registration of such deeds.

Power to redeem
mortgages.

68. It shall be lawful for the commissioners to purchase or redeem the interest of the mortgagee of any lands or streams which may be required for the purposes of this Act, and that whether they shall have previously purchased the equity of redemption of such lands or streams or not, and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands or streams by virtue of such mortgage or not, and whether such mortgage affect such lands or streams solely or jointly with any other lands or streams not required for the purposes of this Act; and in order thereto the commissioners may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges (if any) and also six months additional interest, and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the commissioners, or as they shall direct, or the commissioners may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then at the expiration of either such notices or any intermediate period, upon payment or tender by the commissioners to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses (if any), such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the commissioners, or as they shall direct.

Mortgage money to
be deposited on
refusal to accept.

69. If in either of the cases aforesaid upon such payment or tender any mortgagee shall fail to convey or release his interest in such mortgage as directed by the commissioners, or if he fail to adduce a good title thereto to their satisfaction, then it shall be lawful for the commissioners to deposit with the Treasurer of this Island for the time being, in the manner provided by this Act in like cases, the principal and interest together with the costs (if any) due on such mortgage, and also if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at that time become due, and thereupon as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands or streams shall vest in the commissioners and their successors in office the commissioners for the time being absolutely, and they shall be entitled to immediate

possession thereof in case such mortgagee were himself entitled to such possession.

70. If any such mortgaged lands or streams shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or streams or the compensation to be made by the commissioners in respect thereof shall be settled by agreement between the mortgagee of such lands or streams and the party entitled to the equity of redemption thereof on the one part, and the commissioners on the other part, and if the parties aforesaid fail to agree respecting the amount of such value or compensation the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation being so agreed upon or determined shall be paid by the commissioners to the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the commissioners, or as they shall direct.

Deposit to be made when the mortgage exceeds the value of the lands.

71. If upon such payment or tender as aforesaid being made any such mortgagee fail so to convey his interest in such mortgage, or to adduce a good title thereto to the satisfaction of the commissioners, it shall be lawful for them to deposit the amount of such value or compensation with the Treasurer of this Island for the time being in the manner provided by this Act in like cases, and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon, and thereupon such lands or streams as to all such estate and interest as were then vested in the mortgagee or any person in trust for him shall become absolutely vested in the commissioners and their successors in office the commissioners for the time being, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession; nevertheless all rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation other than right to such lands or streams shall remain in force in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Deposit of mortgage money when refused on tender.

72. If a part only of any such mortgaged lands or streams be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands or streams, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation, if any, to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption on such lands on the one part, and the commissioners on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation being so agreed upon or determined shall be paid by the commissioners to such mortgagee in satisfaction of his mortgage debt, as far as the same will extend, and thereupon such mortgagee shall convey and release to them, or as they shall direct, all his interest in such mortgaged lands or streams the value whereof shall have been so paid; and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee and recorded in the office of the registrar of deeds, and a copy of such memorandum shall at the same time (if required) be furnished by the

When part only of lands in mortgage taken.

commissioners at their expense to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money
when refused on
tender.

73. If upon payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined such mortgagee shall fail to convey or release to the commissioners, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the commissioners, it shall be lawful for the commissioners to deposit with the Treasurer of this Island for the time being the amount of such value or compensation in the manner provided by this Act in the case of monies required so to be deposited, and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debts, so far as the same will extend, and shall be a full discharge of the portion of mortgaged lands or streams so required from all money due thereon, and thereupon such lands shall become absolutely vested in the commissioners and their successors in office the commissioners for the time being, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him and in case such mortgagee were himself entitled to such possession they shall be entitled to immediate possession thereof; nevertheless every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively upon and out of the residue of such mortgaged lands or streams, or the portion thereof not required for the purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands or streams originally comprised in such mortgage.

Disputes as to rent-
charges, &c.

74. If any difference shall arise between the commissioners and the party entitled to any rent service, rentcharge, or chief or other rent or other payment or incumbrance not herein-before provided for, upon any lands or streams required to be taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands or streams therefrom, or from the portion thereof affecting the lands or streams required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land
from charges.

75. If part only of the lands or streams charged with any such rent service, rentcharge, chief or other rent, payment, and incumbrance be required to be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands or streams on the one part, and the commissioners on the other part; and if such apportionment be not so settled by agreement the same shall be settled by a jury, as herein-before mentioned; but if the remaining part of the lands or streams so jointly subject be a sufficient security for such charge, then, with the consent of the owner of the lands or streams so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands or streams required, on condition or in consideration of such other lands or streams remaining exclusively subject to the whole thereof.

Deposit in case of
refusal to release.

76. Upon any payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the commissioners a release of such charge; and if he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the commissioners, it shall be lawful for them to deposit the amount of such compensation with the Treasurer of this Island for the time being, in the manner herein-before provided in like cases, and thereupon such lands or streams shall be released from such rent service, rentcharge, chief or other rent, pay-

ment, or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid shall cease and be extinguished.

77. If any such lands or streams be so released from any such charge or incumbrance or portion thereof to which they were subject jointly with other lands, such last-mentioned lands or streams shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands or streams for the whole or the remainder of the charge, as the case may be, as he had previously over the whole of the lands or streams, subject to such charge; and if upon any such charge or portion of charge being so released the deed or instrument creating or transferring such charge be tendered to the commissioners for the purpose, they shall affix their hands and seals to a memorandum of such release endorsed on such deed or instrument declaring what part of the lands or streams originally subject to such charge shall have been purchased by virtue of this Act, and if the lands or streams be released from part of such charge, what proportion of such charge shall have been released and how much thereof continues payable; or if the lands or streams so required shall have been released from the whole of such charge, then that the remaining lands or streams are thenceforward to remain exclusively charged therewith; and such memorandum shall be made and executed at the expense of the commissioners, and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

78. The commissioners shall not, except by consent of the owners and occupiers, enter upon such lands or streams which shall be required to be purchased or permanently used for the purposes and under the powers of this Act until they shall have paid to every party having any interest in such lands or streams, or deposited in the hands of the Treasurer of this Island in the manner herein mentioned the purchase money or compensation agreed or awarded to be paid to such parties respectively for their respective interest therein: Provided always, that for the purpose merely of surveying and taking levels of such lands, and of probing or boring to ascertain the nature of the soil, and of setting out the line of the works, or generally to do any preliminary act or to do anything which may be required to be done previously or for the purpose of deciding as to whether any such land or stream shall be taken under the powers of this Act, it shall be lawful for the commissioners, after giving not less than three nor more than fourteen days notice to the owners or occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof.

79. No party shall at any time be required to sell or convey to the commissioners a part only of any house or other building or manufactory, if such party be willing and able to sell and convey the whole thereof.

80. If any lands or streams, not being situate in a town or built upon, shall be so cut through and divided by the works as to leave either on both sides or on one side thereof a less quantity of land than half a statute acre, and if the owner of such small parcel of land require the commissioners to purchase the same along with the other land required for the purposes of this Act, the commissioners shall purchase the same accordingly, unless the owner thereof have other land adjoining to that so left into which the same can be thrown so as to be conveniently occupied therewith; and if such owner have any other land so adjoining the commissioners shall, if so required by the owner, at their own expense throw the piece of land so left into such adjoining land by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

Charge not to continue on lands not taken.

Payment of purchase money or compensation to be made previous to entry on lands except to survey.

Parties not to be required to sell part of a house.

Owners of intersected land may insist on sale.

Commissioners may insist on sale when the expense of bridges, &c. exceeds the value.

81. If any land shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expense of making a bridge, culvert, or such other communication between the lands so divided as the commissioners are under the provisions of this Act compellable to make, and if the owner of such lands have not other lands adjoining such piece of land and require the commissioners to make such communication, then the commissioners may require such owner to sell them such piece of land, and any dispute as to the value of such piece of lands or as to what would be the expense of making such communication shall be ascertained as herein provided for in cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works, the jury or the arbitrators, as the case may be, shall if required by either party ascertain by their verdict or award the value of any such severed piece of land, and also what would be the expense of making such communication.

Commissioners to pay the costs of litigation as to such interests.

82. In addition to the said purchase money, compensation, or satisfaction, and before the commissioners shall become absolutely entitled to any such estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the commissioners and determined in favour of the party claiming the same, pay the full costs and expenses of any proceedings at law or in equity for the determination or recovery of the same to the party with whom any such litigation in respect thereof shall have taken place, and such costs and expenses shall in case the same shall be disputed be settled by the proper officer of the court in which such litigation took place.

Commissioners to sell superfluous lands.

83. It shall be lawful for the commissioners at any time after they shall have completed the undertaking absolutely to sell and dispose of all superfluous lands acquired by them under the provisions of this Act but which shall not be required for the purposes hereof, and to apply the purchase money arising from such sale to the purposes of this Act.

Lands to be offered to owners of lands from which they were originally taken or of land adjoining.

84. Before the commissioners dispose of any such superfluous lands, they shall, unless such lands be situate within a town or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of lands; and where more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession one after another in such order as the commissioners shall think fit.

Right of pre-emption to be claimed within six weeks.

85. If any such persons be desirous of purchasing such lands, then within six weeks after such offer for sale they shall signify their desire to the commissioners, or if for six weeks they neglect to signify their desire to purchase such lands the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease, and an affidavit made before the Chief Justice or Puisne Justice by some person not interested in the matter in question, stating that such offer was made and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of this Island or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

86. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such persons and the commissioners do not agree as to the price thereof, then such price shall be ascertained by arbitration as herein-before provided for, and the costs of such arbitration shall be in the discretion of the arbitrators: Upon payment or tender to the commissioners of the purchase money so agreed upon or determined as aforesaid they shall convey under the hands and seals of the commissioners, and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him, and a receipt under the hands and seals of the commissioners as aforesaid shall be sufficient discharge to the purchaser of any such lands for the purchase in such receipt expressed to be received.

Difference of price of such to be settled by arbitration.

87. In every conveyance of lands or streams to be made by the commissioners under this Act, the word "grant" shall operate as express covenants by the commissioners for themselves and their successors with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quantity or nature of such grants and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say,) a covenant that notwithstanding any act or default done by the commissioners they were at the time of the execution of such conveyance seized or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from all incumbrances done or occasioned by them, a covenant that the grantee of such lands or streams, his heirs, successors, executors, administrators, and assigns (as the case may be), shall quietly enjoy the same, against the commissioners and their successors in office for the time being, and all other persons claiming under them, and be indemnified and saved harmless by the commissioners and their successors in office the commissioners for the time being from all incumbrances created by the commissioners, a covenant for further assurance of such lands or streams at the expense of such grantee, his heirs, successors, executors, administrators, or assigns (as the case may be), by the commissioners or their successors in office the commissioners for the time being, and all other persons claiming under them, and all such grantees and their several successors, heirs, executors, administrators and assigns respectively, according to their respective quality or nature and the estate or interest in such conveyance expressed to be conveyed may in all actions brought by them assign branches of covenants as they might do if such covenants were expressly inserted in such conveyance.

Effect of the word "grant" in conveyance.

88. The commissioners shall with all convenient speed after the publication of this Act publish a notice in the newspapers of this Island that they purpose sitting at the court house in the city of Saint John, on a certain day in such notice to be stated, for the purpose of ascertaining, appraising, and assessing the rentals of the dwelling houses, stores, warehouses, shops, wharfs, cellars, tenements, and other buildings in the city and the vicinity; and the commissioners shall also use whatever other means they may consider best for giving such notice to the owners, possessors, or occupiers of such dwelling houses, stores, warehouses, shops, wharfs, cellars, tenements, and other buildings in the city and the vicinity.

Notice of appraising rentals of buildings.

89. The commissioners (of whom five shall be a quorum for the purpose of ascertaining, appraising, and assessing such rentals, as also for all purposes of this Act,) shall on the day named in the notice for that purpose sit at the court

Sitting of commissioners for that purpose.

house for the purpose of ascertaining, appraising, and assessing such rentals, and may from time to time adjourn for such purpose, one or more of such commissioners being able to adjourn any sitting of the commissioners; and for such purpose the commissioners are hereby authorized to examine on oath or affirmation any witnesses, whether interested or not in the property, the rental of which is at that time under consideration, with a view to ascertaining, appraising, and assessing such rental.

Appraisalment of rentals.

90. The commissioners shall ascertain if possible, and if they cannot ascertain by reliable evidence they shall to the best of their knowledge and judgment appraise what shall for the purposes of this Act be taken and held to be the rental of every dwelling house, store, warehouse, shop, wharf, cellar, tenement, or other building in the city and vicinity.

Publication of appraisalment.

91. The commissioners shall, with all convenient speed after they shall have ascertained and appraised such rentals, publish in the contract newspaper a tabular statement showing the owners and possessors of dwelling houses, stores, warehouses, shops, wharfs, cellars, tenements, and other buildings, together with the ascertained or appraised annual rental or value of every such dwelling house, store, warehouse, shop, wharf, cellar, tenement, or other building on which the owner or possessor shall be liable to pay the assessment herein-after provided to be made; and any person who may consider that the ascertained or appraised annual rental or value at which his dwelling house, store, warehouse, shop, wharf, cellar, tenement, or other building is to be chargeable under the provisions of this Act, may within fourteen days from the first publication of such statement apply to the commissioners to reconsider the appraisalment of the annual rental or value in such statement as aforesaid set against and on his dwelling house, store, warehouse, shop, cellar, tenement, or other building, and if such applicant shows good ground to the commissioners for the same the commissioners may reconsider such appraisalment, and in such case if they shall be satisfied that the former appraisalment was too high they may alter the appraisalment of such annual rental or value to such sum as may be proved or they may consider under the circumstances submitted by such applicant right and fair; but the appraisalment of the commissioners shall except as herein-before in this section provided be final and conclusive.

New appraisalment of rentals.

92. The commissioners may from time to time as they may deem advisable proceed to make a new appraisalment or appraisalments of the annual rentals or value of the dwelling houses, stores, warehouses, shops, cellars, tenements, and other buildings in the city and the vicinity, and shall for such purpose proceed at every step and in all particulars whatsoever as is herein-before provided with respect to making the first appraisalment; but no new appraisalment shall be made at any time less than twelve months after the then last appraisalment.

Assessment on rentals not exceeding 4*l.* per cent.

93. Whenever upon any appraisalment the commissioners shall have fully concluded their appraisalment, and having heard and disposed of all applications for reconsideration of appraisalment shall have finally settled the appraisalment of the annual rental or value of every dwelling house, store, warehouse, shop, cellar, tenement, and other building in the city and vicinity, they shall proceed to assess the same at a rate not exceeding four pounds for every hundred pounds of annual rent or value, and so in proportion for any greater or lesser sum; but no public building or property of any kind shall be assessed.

Payment of assessment.

94. The sums so assessed shall be payable by the owner or possessor of every such dwelling house, store, warehouse, shop, cellar, tenement, and other building, and shall be paid to the Treasurer on or before the first day of January in every year, and the payment then made shall be for the current year.

95. In default of the payment of any sum so assessed within thirty days from the day on which the same is payable such sum shall be recoverable under and by virtue of the provisions of the Act, entitled "An Act to provide for the Recovery of the Record Tax, and to transfer certain Duties to the Administrative Committee."

Proceedings on default in payment. No. 168.

96. The commissioners shall provide, fix, and keep in order proper stand pipes at such places as they may deem most proper and convenient and in such numbers as they may deem advisable, from which stand pipes all persons dwelling in the city and the vicinity may take water for domestic purposes.

Commissioners to provide pipes, &c.

97. The commissioners shall provide, fix, and keep in order proper fireplugs in their mains and other pipes at such distances apart and in such places and manner generally as they may deem most proper and convenient for the supply of water for extinguishing any fire which may break out in the city or the vicinity, and for other public uses.

Fireplugs.

98. Every person supplied with water by the commissioners who shall suffer any stop-cock, pipe, or other work in any way connected with such supply of water to be out of repair without giving notice to the commissioners, so that the water supplied to him by the commissioners shall be wasted, shall on conviction before a police magistrate forfeit and pay a sum not exceeding five pounds, and in default of payment of such fine or penalty and costs (if any) shall be committed to the common gaol, there to be imprisoned, with or without hard labour, for any time not exceeding three months, unless such fine or penalty and costs (if any) be sooner paid.

Penalty on persons supplied with water suffering waste or loss.

99. Every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the commissioners, or wash therein, or cause to enter therein any dog or other animal, or who shall throw any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing, or who shall cause or permit the water of any sewer, sink, or drain, steam engine, boiler, or other filthy water belonging to him or under his control to run or be brought or pass into any stream, reservoir, aqueduct, or other waterworks belonging to the commissioners, or who shall do any act whatsoever whereby the water belonging to and under the direction of the commissioners may be fouled, shall for every such offence on conviction thereof before a police magistrate forfeit and pay any sum not exceeding fifty pounds, and in default of payment of such fine or penalty and costs (if any) shall be committed to the common gaol, there to be imprisoned, with or without hard labour, for any period not exceeding six months, unless such fine or penalty and costs (if any) be sooner paid.

Penalty on persons doing anything to foul water.

100. Every person who shall wilfully or carelessly break, injure, or open any lock, cock, valve, pipe, work, or engine belonging to the commissioners, or shall flush or draw off the water from any reservoir or other work of the commissioners, or shall do any other wilful act whereby such water may be wasted, shall on conviction before a police magistrate forfeit and pay any sum not exceeding five pounds, and in default of payment of such fine or penalty and costs (if any) shall be committed to the common gaol, there to be imprisoned, with or without hard labour, for any period not exceeding one month, unless such fine or penalty and costs (if any) be sooner paid.

Penalty on persons doing any injury.

101. Every person who not having agreed to be supplied with water by the commissioners shall take water from any reservoir, watercourse, or conduit belonging to the commissioners, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water

Penalty on persons taking water without agreement for supply.

belonging to the commissioners, other than such as may have been provided for the gratuitous use of the public, shall on conviction before a police magistrate forfeit and pay any sum not exceeding five pounds, and in default of payment of such fine or penalty and costs (if any) shall be committed to the common gaol, there to be imprisoned, with or without hard labour, for any period not exceeding one month, unless such fine or penalty and costs (if any) be sooner paid.

Penalty on sale or supply of water by persons supplied by commissioners.

102. Every owner or occupier of any premises supplied with water by the commissioners under this Act who shall sell or supply to any person or wilfully permit any person to take any such water from such premises, unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the commissioners and the pipes belonging to him be out of repair, shall on conviction before a police magistrate forfeit and pay any sum not exceeding five pounds, and in default of payment of such fine or penalty and costs (if any) shall be committed to the common gaol, there to be imprisoned, with or without hard labour, for any period not exceeding one month, unless such fine or penalty and costs (if any) be sooner paid.

Penalty for any infringement of rules.

103. Every person who shall do anything by the rules and regulations to be made by the commissioners as herein-after provided forbidden to be done, or shall not do anything by such rules and regulations required to be done, or shall in way whatsoever violate or be party to the violation of any of such rules and regulations, or shall not in every particular comply with the requirements and provisions of such rules and regulations, shall on conviction before a police magistrate be liable to pay a fine or penalty not exceeding five pounds, and in default of payment of such fine or penalty and costs (if any) to be imprisoned in the common gaol, with or without hard labour, for any period not exceeding one month, unless such fine or penalty and costs (if any) be sooner paid.

Separate acts and days separate offences.

104. Every separate and distinct act or doing of anything by this Act forbidden or made punishable shall be treated and dealt with as a distinct and separate offence, and punishable accordingly; and every day during which any such offence shall be continued the person guilty of such offence shall be treated and dealt with as guilty of a separate and distinct offence for each such day, and punishable accordingly.

Power to make rules.

105. It shall be lawful for the commissioners to make rules and regulations with regard to the constructing and maintaining the said waterworks, and for regulating the supply of water to buildings, whether public or private, and for securing the water and works of the commissioners from waste, loss, fouling, or injury of any kind, and generally for the purposes and requirements of any nature or kind of the undertaking; but such rules and regulations shall before they shall have any force and effect under this Act be first submitted to the Governor, the Council, and Assembly and by them approved, either in their original or in an altered and amended form; and such rules and regulations when they shall have been approved by the Governor, the Council, and Assembly shall have the force and effect of law and be of the same force and effect as if they had formed part of this Act.

Scale of rates for supply of water.

106. The commissioners shall as soon as possible after the commencement of the undertaking publish a scale showing the rates, the manner, and the condition at and under which water will be supplied to public and private buildings; and they may from time to time alter such rates as they may think advisable, such alteration to take effect with respect to any property supplied only after the expiration of the period for which there may then be current and unexpired any agreement to supply such property with water, or for which the

rates for supplying such property with water payable before such alteration shall have been paid.

107. The waterworks and other matters and things thereunto belonging, and all the materials thereof, and all engines, tools, implements, and things, of whatsoever description the same may be, provided for any of the purposes of this Act or of the waterworks, and all books, writings, papers, documents relating to the execution or maintenance of such works, and all sums of money and securities for money, of what kind the same may be, belonging to the commissioners, shall be and are hereby vested in the commissioners and their successors in office the commissioners for the time being, and in any criminal proceedings it shall be sufficient to lay any such property or things as the property of "The Waterworks Commissioners."

Waterworks and materials vested in and property of commissioners.

108. It shall be lawful for the commissioners to engage the services of an engineer for constructing and carrying out the establishment of the said waterworks upon such terms as they may deem advisable.

Commissioners may engage engineer.

109. It shall be lawful for the Governor to appoint a person to act as clerk of the commissioners and clerk of the works during the construction and establishment of the said waterworks, and after the establishment of such works to act as the clerk of the commissioners to keep all books, papers, accounts, and records of the commissioners and to have the general charge and overlooking of the said waterworks and all works in connexion therewith; and there shall be paid to such person on the warrant of the Governor out of the funds in the hands of the Treasurer to the credit of the commissioners the annual salary of one hundred and fifty pounds.

Appointment of clerk of works.

110. It shall be lawful for the commissioners to employ and engage the services of all other persons who may be required in any way for the purposes or carrying out any of the provisions of this Act, or for the purposes of the construction and maintenance of the said waterworks, and at or on such salaries or remuneration as they may deem advisable.

Commissioners may employ any person.

111. It shall be lawful for the commissioners or any person for them at any time to enter into any premises supplied with water by the commissioners for the purpose of examining the pipes or means by which such water is supplied to such premises.

Commissioners may enter and examine premises of persons supplied with water.

112. No action, suit, inquiry, arbitration, case, or proceeding whatsoever in or to which the commissioners are parties shall abate, cease, or be in any way suspended by reason of the death, resignation, or change of any one or more or the whole of the commissioners for the time being pending any such action, suit, inquiry, arbitration, case, or proceeding, but the same shall proceed as if no such death, resignation, or change had taken place, the fact of such death, resignation, or change being suggested and made known to the court, tribunal, or person before which or whom any such action, suit, inquiry, arbitration, case, or proceeding shall be pending; and in any further step in any such action, suit, inquiry, arbitration, case, or proceeding the name or names of any new commissioner or commissioners shall be substituted and used as those of any commissioner or commissioners dying, resigning, or being changed.

Proceedings in actions or suits not to abate on change of commissioners.

113. No action, suit, or information, nor any other proceeding, of what nature soever, shall be brought, commenced, or prosecuted against any person for anything done or to be done in pursuance of this Act, or in the execution of the powers or authorities or any of the orders made, given in, or directed by or under this Act, unless twenty-eight days previous notice in writing shall be given by the party intending to commence and prosecute such action, suit, or information to the intended defendant, nor unless such action, suit, or information shall be brought or commenced within six calendar months next after the

Protection of persons prosecuted for anything done in pursuance of this Act.

fact committed, or in case there shall be a continuation of damage, then within three calendar months next after the doing or committing such damage shall have ceased; and the defendant in such action, suit, or information may plead the general issue and give this Act, or any rule, byelaw, order, or regulation made under the authority of this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this Act; and if it shall appear to have been so done, or that such action, suit, or information shall have been brought otherwise than as herein-before directed, then and in every such case the jury shall find for the defendant; or if the plaintiff shall have become nonsuited or suffer a discontinuance of his action, suit, or information after the defendant shall have appeared thereto, or if a verdict shall pass against the plaintiff therein, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall have costs and have such remedy for recovering the same as defendants have for recovering costs of suit by law in any other cases.

Plaintiff not entitled to recover if amends tendered before action is brought.

Defendant by leave may pay money into court at any time before issue joined.

Materials for works to be free of duty.

Works and revenue of company to be free of all taxation.

Rates, taxes, and fines paid into Treasury.

Sums for works paid on warrant of Governor.

Accounts of commissioners.

All cases at police office to be heard in Saint John's.

Appeal.

114. No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding before such action brought; and in case no tender shall have been made it shall be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined to pay into court such sum of money as he shall think fit, whereupon such proceedings, order, and judication shall be had and made in and by such court as in other actions where defendants are allowed to pay money into court.

115. The materials of all descriptions imported to be used in the construction and maintaining of the said works shall be exempted from all duties and imposts.

116. The works and revenue of the commissioners shall be and are hereby declared free of all taxation.

117. All rates, taxes, and all fines and penalties hereby made payable shall be paid into the Treasury to the credit of the commissioners; and the Treasurer shall keep a separate account between himself and the commissioners, and shall in such account credit the commissioners with all sums paid into their credit and debit them with all sums drawn out for any of the purposes of the undertaking.

118. All sums payable for the purposes of the undertaking shall be paid by the Treasurer on the warrant of the Governor, to be issued on the requisition of the commissioners, and such requisition shall be attached to such warrant and therewith lodged and left with the Treasurer.

119. The commissioners shall once in every six months submit to the Governor and the Council and Assembly an account of the rentals and expenditure for the then last preceding six months.

120. In every case in which it shall be necessary to lodge or enter and hear and determine any complaint or case under the provisions of this Act at a police office such complaint or case shall be lodged or entered and heard and determined at the police office of the city of Saint John, and any such complaint or case may be lodged, entered, and prosecuted by any person acting for the commissioners by their authority for them.

121. In every case in which a police magistrate shall decide or adjudicate any case or complaint lodged or laid before him, or determine any question submitted to him under or by virtue of the provisions of this Act, either party shall have a right to and may prosecute an appeal from any such decision,

adjudication, or determination, under the circumstances and in every case and in the manner and subject to the conditions allowed and directed with respect to appeals in and by the Act, intituled "An Act to facilitate the Performance of the Duties of Police Magistrates with respect to Summary Convictions and Orders;" and all the provisions as to distress in such Act shall be taken as and form part of this Act.

No. 169, s. 28.

122. No commissioner shall be in any way whatsoever party to or concerned or interested in any contract made with the commissioners for the performance or carrying out of any work in connexion with the construction, establishment, or maintenance of the said waterworks.

Commissioner not to be interested in contracts.

123. The commissioners shall with all convenient speed after the passing of this Act lay before the Legislature the specification and plan of the waterworks proposed to be constructed, together with a statement showing the contemplated or probable expense of such undertaking; and the commissioners shall not enter into any contract beyond the sum of five hundred pounds without first receiving the approval of the Legislature of such contract.

Specification and expense to be laid before Legislature.

No contract over 500l. without approval of Legislature.

124. This Act may be cited as "The Antigua Waterworks Act, 1864."

Title.

No. 226.

AN ACT to provide for the Performance of the Duties of the Office of the Colonial Secretary.

[Dated 29th July; Left to its operation by Order in Council dated 30th November 1864.]

BE enacted by the Governor, the Council, and Assembly as follows:

1. There shall be paid on the warrant of the Governor to the Colonial Secretary the annual salary of five hundred pounds for the performance of the duties of Secretary and Clerk of the Crown, and Clerk of the Legislative Council.

Colonial Secretary's salary.

2. It shall be lawful for the Governor to appoint a clerk and second clerk in and for the office of the Colonial Secretary, and there shall be paid on the warrant of the Governor to such clerk the annual salary of one hundred and fifteen pounds, and to such second clerk the annual salary of fifty pounds.

Appointment of clerks in the office of the Colonial Secretary.

3. The Colonial Secretary shall, on the first day of every month, or as soon thereafter as possible, submit to the Board of Audit in duplicate an account or statement in detail of the expenses incurred or paid for or on account of his office for the then last preceding month, and the amount for which such account shall be audited, allowed, and passed by the Board of Audit shall be paid on the warrant of the Governor; provided that a copy of such account shall be laid before the Council and Assembly at their next meeting.

Audit of Secretary's account for expenses of his office.

4. There shall be paid to the Colonial Secretary, for the public uses of the Colony, the fees and charges set out and mentioned in Schedule A. to this Act, and such fees and charges shall be paid by the Colonial Secretary into the Treasury for the public uses of the Colony on the first day of every month.

Fees in Schedule A. to be collected by Colonial Secretary for public use.

5. The office of the Colonial Secretary shall be kept open for the purposes of the transaction of any business therein or connected therewith from the hour of ten in the forenoon to the hour of four in the afternoon.

Office hours. No. 8, s. 7.

6. On Edwin Donald Baynes, the present Colonial Secretary, ceasing to be the Colonial Secretary, the duties at present performed and discharged by the said Edwin Donald Baynes as Registrar in Ordinary and Registrar in Chancery, as apart and distinct from his duties as Colonial Secretary and Clerk of the

On vacancy of office of Colonial Secretary, next holder of such office to be ex-officio registrar in Chancery and registrar in ordinary.

Crown, shall be performed and discharged by the Colonial Secretary under and by virtue of his appointment as and to the Colonial Secretary, and as part of his duties as Colonial Secretary; and on the appointment of any Colonial Secretary after the said Edwin Donald Baynes shall cease to be the Colonial Secretary and Clerk of the Crown, it shall be unnecessary to express in the commission of and appointing such Colonial Secretary that he is to be and act as Registrar in Ordinary and Registrar in Chancery, but the appointment of, and the commission appointing, any person to be Colonial Secretary shall of itself be and carry the appointment of such person to be Registrar in Ordinary and Registrar in Chancery.

On new appointment to office of Colonial Secretary, the fees received by the registrar in Chancery and registrar in ordinary to be paid into the Treasury.

Fees to be paid before performance of any work in respect of such fees.

Colonial Secretary and his clerks not to act as attorney or give advice in law matters.

Power of attorney not to be recorded in the office of the Colonial Secretary.

7. From and after the time that the said Edwin Donald Baynes shall cease to be Colonial Secretary, the fees and charges under or by virtue of any Act, either already passed or to be passed, or otherwise payable to the Registrar in Ordinary and Registrar in Chancery, shall be payable to and received by the Colonial Secretary for the public uses of the Colony, and such fees and charges shall be paid by the Colonial Secretary into the Treasury for the public uses of the Colony on the first day of every month.

8. All fees and charges payable to the Colonial Secretary for the use of the public, under the provisions of this or any Act passed or to be passed, shall be paid to him before the performance of the duty or service required of him in respect of which such fees or charges shall respectively be payable.

9. It shall not be lawful for the Colonial Secretary or any clerk in his office to act as attorney, agent, or adviser of the plaintiff, defendant, or other suitor or person in any action, suit, or other matter in any court in this Colony, or to give advice in any law matter, or to act as a conveyancer, or to accept any gratuity for the performance of any duty in connexion with the Colonial Secretary's office.

10. It shall not be necessary to record any power or letter of attorney in the Secretary's office, but the recording in the office of the registrar of deeds shall for all purposes be sufficient, whether relating to real or personal estate.

SCHEDULE A.

DOCKET OF FEES.—COLONIAL SECRETARY AND CLERK OF THE CROWN'S OFFICE.

	£	s.	d.
Entering action—for every writ or name in writ issued	-	-	0 6 8
Subpoena in ditto do. do.	-	-	0 2 0
Judgment in Common Pleas	-	-	0 2 6
Execution in ditto	-	-	0 4 0
Taxing costs	-	-	0 1 0
Writ of arrest	-	-	0 10 0
Entering bond and warrant of attorney	-	-	0 10 0
Entering complaints, petty debt court	-	-	0 1 6
Continuance of action on complaint	-	-	0 1 0
Discontinuance of action	-	-	0 1 0
Producing a record	-	-	0 3 6
Marriage licence bond	-	-	1 0 0
Writ of replevin	-	-	0 3 4
Trial in common pleas	-	-	0 5 0
Assessment of damages	-	-	0 2 6
Judgment on complaint	-	-	0 2 0
Recording any will, power of attorney, or other writing, if under three folios	-	-	0 4 0
Over three folios, for every folio	-	-	0 1 4

	£	s.	d.
Attested copies of indictments and depositions in criminal cases, per folio	-	0	1 4
Attending at chambers to take depositions, per diem	-	-	0 6 8
Ditto beyond the court house, per diem	-	-	0 10 0
Taking depositions, per folio	-	-	0 1 8
Every other attendance at chambers, and noting proceedings	-	-	0 4 0
Attested copies of papers in civil suits, per folio	-	-	0 1 4
Filing any paper	-	-	0 1 0
Filing appeal from complaint court	-	-	0 8 0
Certificate	-	-	0 4 0
Every search	-	-	0 1 0
Searching records for each year	-	-	0 1 0

No. 227.

AN ACT to make Provision for carrying on the Business of the Saint John's Savings Bank.

[Dated 8th September 1864; Left to its operation by Order in Council dated 4th February 1865.]

WHEREAS under the authority of an Act, intituled "An Act to establish "Savings Banks in this Island," a savings bank was established in the city of Saint John, styled "The Saint John's Savings Bank;" And whereas the rules and regulations of the said savings bank were duly certified and lodged in the office of the Colonial Secretary, as by the said Act provided and required: And whereas under the provisions of the said Act, and the rules and regulations of the said savings bank as to the investment of the deposits in the said savings bank, the deposits or so much thereof as have not remained in the hands of the cashier to answer the exigencies of the management and for the purposes of the said savings bank have been from time to time invested in the public chest of the Island and lodged in the public Treasury on loan at interest: And whereas the aggregate amount of such investments or lodgments in the public Treasury is now very considerable: And whereas the said Saint John's Savings Bank has now come to be regarded in the light of and as a public institution, and it is expedient that such savings bank should be placed under supervision and control of the Board of Audit:

Be it enacted by the Governor, the Council, and Assembly:

1. From and after the passing of this Act the Board of Audit shall have the control, management, and direction of the business of the said Saint John's Savings Bank, and such Board of Audit may from time to time and at such time as they may deem expedient make rules and regulations for the conduct of the business of and generally with reference to the management of the said savings bank, which rules and regulations shall be first submitted to and approved by the Governor, the Council, and Assembly, and shall when so approved, either in their original or in an altered or amended form, have the force and effect of law as if they formed part of this Act.

2. It shall be lawful for the Governor to appoint a cashier of the said bank, and any such cashier to remove or suspend and another in his place to appoint; and any such cashier shall keep the books of the said savings bank and shall perform such other duties as shall be required of him and settled by the rules and regulations so as aforesaid to be made; and there shall be paid to any such cashier, on the warrant of the Governor, the annual salary of seventy-five pounds, the said sum to be paid out of the funds of the institution.

Control of St. John's savings bank vested in the Board of Audit.

Rules.

Appointment of cashier.

Cashier to give bond for the due performance of his duties.

3. Before any such cashier shall enter upon the performance of the duties of his office he shall give bond with two sureties for the due and faithful performance of his duties in such form and sum as shall be settled and approved by the Governor in Council.

Time and place of business of said savings bank to be fixed by Governor in Council.

4. The office of the said savings bank shall be kept at such place as shall be directed or sanctioned by the Governor in Council, and shall be open for the performance of business at and during such times as shall from time to time be determined by any such rules and regulations made by the Board of Audit under the authority of the first section of this Act.

Minimum deposit 1s. Maximum 100l.

5. Deposits of any sum not less than one shilling and not exceeding one hundred pounds shall be received from any person.

Interest on deposits.

6. Interest after the rate of four pounds ten shillings *per centum per annum* shall be allowed or paid on every deposit; but no interest shall be allowed or paid for any period less than one month, or for any sum less than one pound.

Deposit by minors.

7. Minors or persons under the age of twenty-one years may deposit money in their own names, and withdraw the same with any interest that may accrue thereon; and deposits may be made and withdrawn by parents or persons standing *in loco parentis* for and on behalf of minors or persons under the age of twenty-one years.

Deposit by married women.

8. Any married woman may be paid any sum of money in respect to any deposit made by her before or after marriage, unless the husband of such woman or his representative shall give to the cashier of the said savings bank or the Board of Audit notice in writing of her marriage, and shall require payment to be made to him or them.

Name, profession, and residence of depositor to be entered in books of the savings bank.

9. No person shall be allowed to make any deposit by ticket or number or otherwise without disclosing to the cashier or Board of Audit his or her name, together with his or her profession, business, occupation, calling, and residence, and the same shall be entered at full in the books of the said savings bank.

Deposit by trustees.

10. Deposits may be made by a trustee for any other person, and the receipt of any such trustee or the trustee for the time being of the person on behalf of whom such deposit shall have been made shall be a good and valid discharge for any sum paid from any such deposit.

Depositor to be bound by rules and regulations to be made under the authority of this Act.

11. Every depositor shall by depositing any sum in the said savings bank be held to have assented to and shall be bound by all the provisions of this Act and the rules and regulations made under the authority of this Act, and on making the first deposit every depositor shall receive a book for entry of his deposits, which shall be called the "depositor's book."

Depositor to be furnished with a depositor's book.

12. Every depositor shall on depositing any sum in the said savings bank (if he shall have already deposited any sum and shall have received a "depositor's book") send his depositor's book for the purpose of having therein entered the amount then deposited, and unless such depositor's book be sent the cashier may refuse to receive any deposit.

Deposits to be entered in books of savings bank and in depositor's book. Entries to be signed by cashier and a member of the Board of Audit.

13. All deposits shall be entered in the books of the said savings bank, and also in the depositor's book of the person depositing the same at the time when such deposits are made; and the cashier shall sign his name against every deposit made, both in the books of the said savings bank and also in the depositor's book, and shall deliver to every depositor a receipt for his deposit, signed by himself and a member of the Board of Audit.

Board of Audit to open account with Colonial Bank.

14. The Board of Audit shall keep an account with the Colonial Bank, and lodge at the end of every week all and every sums and sum of money deposited during that week in the said savings bank.

Board of audit to invest sum over 50l. on loan in the public

15. Whenever the Board of Audit shall have to the credit of the savings bank in the said Colonial Bank, after payment of all the expenses or drafts of or on

the said savings bank, a sum exceeding the sum of fifty pounds, such sum shall be invested and lodged on loan in the public Treasury, and the Treasurer is hereby authorized to receive the same; and there shall be paid by the public Treasury to the said savings bank interest on such investments or loans after the rate of six pounds *per centum per annum*.

Treasury, such loan to bear 6 per cent. interest.

16. Whenever any sum is required to be drawn out of the said Colonial Bank for any of the purposes of the said savings bank, such sum shall be drawn by a cheque signed by the cashier and countersigned by one member of the Board of Audit, or signed by two members of the Board of Audit.

Cheques on colonial bank to be signed by cashier and a member of the Board of Audit.

17. The Board of Audit shall on or by the thirteenth day of June and the thirty-first day of December in every year make out an account or balance, showing all the receipts and payments and expenses of the said savings bank for the then last preceding six months, and showing a correct and true statement of the then position and state of the said savings bank; one copy of such account shall be submitted to and left with the Governor, and another copy shall be lodged in the office of the Colonial Secretary, and may be searched and examined by any depositor in the said savings bank on payment of the sum of one shilling, to be paid into the public Treasury to the public uses of the Colony; and if there shall be any surplus to the credit of the savings bank the same shall be paid into the public Treasury for the public uses of the Colony.

Account of receipts and payments, &c. of savings bank.

18. The Board of Audit shall immediately after the passing of this Act appoint some fit and proper person to examine into the present state, position, and condition of the said St. John's Savings Bank, and may pay such person such reasonable sum for such services as they may deem proper; and the Board of Audit shall immediately after the passing of this Act call in all receipts and books containing acknowledgments of receipts of all the deposits in the said St. John's Savings Bank, and shall give receipts or acknowledgments to every then depositor for his then deposit, and such receipts shall be signed by the cashier and countersigned by one or more of the Board of Audit.

Surplus.

Examination of present condition of savings bank.

Receipts to be called in, and new receipts to be given to depositors.

19. The said Act, entitled "An Act to establish Savings Banks in this Island," dated the 24th day of December 1846, and the rules and regulations of the said St. John's Savings Bank, made under the provisions of the said Act and certified as by the said Act required on the 13th day of March 1847, are hereby repealed, revoked, and rescinded.

Recited Act repealed.

20. This Act may be cited as "The Savings Bank Act, 1864."

Short title of Act.

No. 228.

AN ACT to establish a Scale of Fees for Duties performed under the Second Part of the Imperial Merchant Shipping Act.

[Dated 8th September; Left to its operation by Order in Council dated 30th November 1864.]

BE it enacted by the Governor, the Council, and Assembly:

That the fees specified in Schedule A. to this Act, for the several duties therein enumerated, shall be and are hereby made payable to the registrar or admessenger of shipping or person acting under his authority in this Island, who may refuse to proceed to the performance of any such duties unless the fees payable thereon be first paid.

Docket of fees for service under "The Merchant Shipping Act, 1854," established.

SCHEDULE A.

FOR REGISTRARS OF SHIPPING.

	£	s.	d.
For registering a ship and granting a certificate of registry	-	0	5 0
For each form of bill of sale or mortgage issued	-	0	1 0
For each form of declaration issued	-	0	0 6
For endorsing the names of owners upon certificates of registry on change of owners	-	0	2 0
For do. do. do. on change of masters for vessels under ten tons	-	0	1 0
For do. do. do. on change of masters for vessels over ten tons	-	0	2 0
For each entry on the registry book relating to transfer by bill of sale	-	0	1 0
For do. do. do. relating to mortgage	-	0	2 0
For transmitting particulars in application to transfer registry to another port	-	0	2 6
For granting a certificate of mortgage or sale	-	0	5 0
For inspection of the registry book	-	0	1 0
For sales or mortgage made before registrar under certificate of sale or mortgage, each	-	0	2 6
For each certified copy of documents under the 107th section	-	0	1 0

FOR MEASURING SURVEYORS.

Measurement of tonnage—for each measured transverse section	-	0	7 6
Certificate of survey of identity when measurement of tonnage is not required	-	0	10 0

No. 229.

AN ACT for granting to Antoine Louis Possoz the exclusive Property in an Invention for Improvements in the Manufacture of Sugar.

[Dated 20th December 1864; Left to its operation by Order in Council dated 31st March 1865.]

WHEREAS Antoine Louis Possoz, of Paris, in the empire of France, engineer, hath invented and is in possession of an invention for "Improvements in the Manufacture of Sugar," and hath signed and lodged in the office of the Colonial Secretary of this Colony a description or specification of the said invention, together with a diagram thereof annexed thereto, showing the nature of and what the said Antoine Louis Possoz claims as his invention, and the mode and manner of using and employing the same: And whereas the said Antoine Louis Possoz hath presented to the Governor, the Council, and Assembly a petition praying that an Act may be passed securing to him the said Antoine Louis Possoz, his executors, administrators, and assigns the sole use, benefit, and advantage of the said invention, in which petition the said Antoine Louis Possoz states that the same invention is not to the best of his knowledge and belief in use in this Colony by any other person or persons: And whereas it is expedient, for the sake of encouraging and protecting within this Colony such improvements and inventions, that the said Antoine Louis Possoz, his executors, administrators, and assigns should have such sole use and benefit and the exclusive property in and of the said invention:

Be it enacted by the Governor, the Council, and Assembly:

1. That the said Antoine Louis Possoz, his executors, administrators, and assigns shall, for and during the space or term of seven years from the day of

Reserves right of
invention for seven
years.

the date of this Act, have the exclusive right and privilege of in any way whatsoever making, setting up, erecting, establishing, using, exercising, employing, applying, or selling or disposing of within this Colony the said invention of improvements in the manufacture of sugar, as the same invention is clearly and exactly set forth, described, and specified in the description or specification, with the diagram or plan of such invention annexed to such description or specification, signed and lodged by the said Antoine Louis Possoz in the office of the Colonial Secretary of this Colony, and according to such description or specification and diagram.

2. No person shall or may, during the continuance of the said space or term of seven years, either directly or indirectly in any way whatsoever make, set up, erect, establish, use, exercise, employ, apply, or sell or dispose of the said invention or any part of the same, or in any way counterfeit, imitate, or resemble the same, or shall make or cause to be made any addition thereunto or subtraction from the same, whereby to pretend himself the inventor or deviser thereof, without the license, consent, or agreement of the said Antoine Louis Possoz, his executors, administrators, or assigns, under his or their hands and seals first had and obtained.

No person to infringe the right secured for seven years.

3. That if any person shall during the continuance of the said space or term of seven years in any way whatsoever infringe or invade the exclusive use and property of and in the said invention herein and hereby granted to the said Antoine Louis Possoz, his executors, administrators, and assigns, it shall be lawful for the said Antoine Louis Possoz, his executors, administrators, or assigns, to proceed against such person either in a court of equity or a court of law, or both at the same time, for the purpose of protecting his and their rights and interest in and of recovering damages for such infringement and invasion of his and their exclusive use and property in the said invention.

Inventor may proceed against person infringing right secured.

4. That in any action brought by the said Antoine Louis Possoz, his executors, administrators, or assigns, for any infringement or invasion of his or their exclusive use and property of and in the said invention, the said Antoine Louis Possoz, his executors, administrators, and assigns may use the form of declaration set forth in the schedule to this Act.

Mode of process against infringing right secured.

5. That in any action by the said Antoine Louis Possoz, his executors, administrators, or assigns, against any person for any infringement or invasion of his or their exclusive use and property of and in the said invention, it shall be lawful for the Chief Justice of the Court of Common Pleas, and in the absence or illness of the said Chief Justice for the provisional Chief Justice or Puisne Justice, on application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, and account, and the proceedings therein respectively, as to such Chief Justice or provisional Chief Justice or Puisne Justice may seem fit.

Injunction may be issued on application of plaintiff.

6. That in any action for any infringement or invasion of the exclusive use and property of the said Antoine Louis Possoz, his executors, administrators, and assigns of and in the said invention, the plaintiff shall deliver with his declaration particulars of the infringement or invasion complained of in the said action, and the defendant on pleading thereto shall deliver with his pleas particulars of any objection on which he means to rely at the trial in support of the pleas in the said action, and at the trial of such action no evidence shall be allowed to be given in support of any alleged infringement or invasion, or of any objection impeaching the validity of such exclusive use and property of the said Antoine Louis Possoz, his executors, administrators, and assigns of and in the said invention which shall not be contained in the particulars delivered

Plaintiff to deliver particulars of infringement, and defendant to deliver particulars of his objection.

as aforesaid: And it shall be lawful for the said Chief Justice, or in his absence or illness for the said provisional Chief Justice or Puisne Justice to allow such plaintiff or defendant respectively to amend the particulars delivered as aforesaid, upon such terms as to such Chief Justice or provisional Chief Justice or Puisne Justice may seem fit.

Special defence to be specially pleaded.

7. That in any action for any infringement or invasion of the exclusive use and property of the said Antoine Louis Possoz, his executors, administrators, and assigns of and in the said invention, the defendant shall by pleading the general issue deny the fact only of the infringement or invasion complained of; and if such defendant has any special defence to any such action he shall plead the same specially, and shall not be allowed to give any special matter of defence in evidence under the general issue.

Certified copy of specification admissible in evidence.

8. That a copy of the said description or specification of the said invention, filed in the office of the Colonial Secretary, shall and may, if certified by the Colonial Secretary as a correct copy of the said description or specification filed in his office, be given in evidence in any action for the infringement or invasion of the exclusive use and property of the said Antoine Louis Possoz, his executors, administrators, and assigns of and in the said invention.

Proviso for forfeiture of patent.

9. That if at any time during the said term it shall appear that the said invention is contrary to law, or prejudicial or inconvenient to Her Majesty's subjects in this Colony, or that it is not a new invention as to the public use and exercise thereof, or that the said Antoine Louis Possoz is not the true and first inventor thereof, then the said Antoine Louis Possoz, his executors, administrators, and assigns shall no longer have the exclusive use and property of and in the said invention.

SCHEDULE.

Antigua, to wit. *A.B.* by *C.D.* his attorney sues *E.F.* for that Antoine Louis Possoz invented a new improved and useful plan of manufacturing sugar, and on introduction of such invention into this colony an Act was passed, intituled "An Act for granting to Antoine Louis Possoz the exclusive Property in an Invention for Improvements in the Manufacture of Sugar," by which is secured to the said Antoine Louis Possoz, his executors, administrators, and assigns, and for and during the space of _____ years from the day of the date of the said Act, being the day of _____ in the year of our Lord one thousand eight hundred and sixty-four, the exclusive right and privilege of in any way whatsoever making, setting up, erecting, establishing, using, exercising, employing, applying, or selling or disposing of the said invention, and _____ during the said space or term did infringe and invade the said exclusive use and property of the said Antoine Louis Possoz, his executors, administrators, and assigns of and in the said invention, and the plaintiff claims _____ pounds.

No. 230.

AN ACT to provide for continuing the Loan for the Purposes of the Public Market.
[Dated 23rd December 1864.]

WHEREAS by an Act, intituled "An Act to authorize the Treasurer to raise Recites No. 177.
" by Loan on the Public Credit the Sum of Two thousand Pounds Sterling for
" the Establishment of a Public Market," the Treasurer was authorized to
borrow the sum of two thousand pounds and to issue debentures to the persons
lending same, which debentures were to be a charge on the general revenue of
the Colony: And whereas the said debentures were by the said Act made and
are payable on the first day of January one thousand eight hundred and sixty-
five: And whereas it is expedient to defer the time for the payment of the sum
which was under the authority of the said Act borrowed by the Treasurer, and
for that purpose to authorize the Treasurer to borrow a sufficient sum to pay off
the monies due on the debentures which were under and by the authority of the
said Act issued by the Treasurer, and to issue new debentures for the sum
borrowed for that purpose:

Be it enacted by the Governor, the Council, and Assembly as follows:

1. The Treasurer is hereby authorized to borrow such sum as may be required to pay off the principal and interest monies due on and secured by the said debentures issued by the Treasurer under the authority of the said recited Act in sums not less than one hundred pounds each, and to issue a debenture or debentures to the person or persons or corporation lending the same, which debenture or debentures shall be a charge on the general revenue of the Colony. Treasurer empowered to borrow for the payment of debentures issued under Act No. 177.
2. The said debenture or debentures shall be payable on the first day of January one thousand eight hundred and sixty-seven, with interest at the rate of five pounds *per centum per annum*, payable quarterly, until the period appointed for payment of the same. Redemption of debentures.
3. The debenture or debentures shall be negotiable by endorsement thereon in manner following; that is to say, "Pay the within debenture with interest due to A.B. or order." Transfer of debentures.
4. The said Act, entitled "An Act to authorize the Treasurer to raise by Loan on the Public Credit the Sum of Two thousand Pounds Sterling for the Establishment of a Public Market," shall be and the same is hereby repealed. Repeal of Act No. 177.

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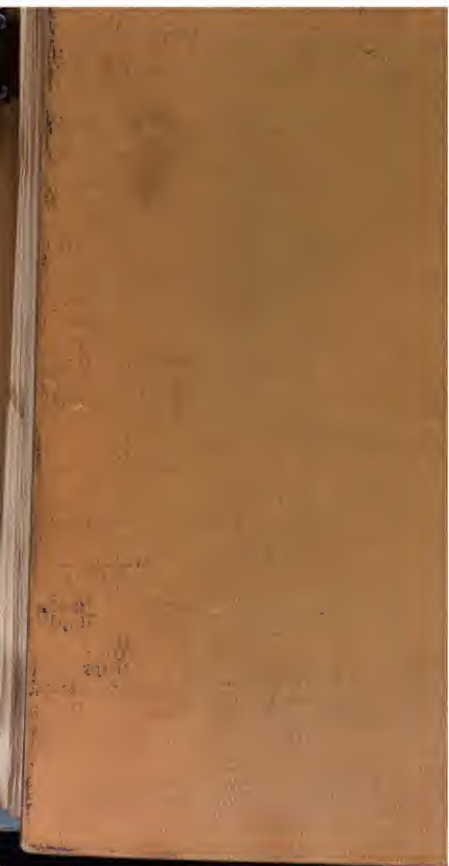




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